

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
URBANA DIVISION**

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**GILBERT LAND DEVELOPMENT, INC. an** )  
**Illinois Corporation,** )  
) )  
**Plaintiff,** )  
) )  
**v.** )  
) )  
**SUZANNE JENNINGS WELLS,** )  
**W.E. EXCAVATING, INC., an Illinois** )  
**Corporation; and KELLY FINET, in her** )  
**individual and official capacity as a Public** )  
**Administrator,** )  
) )  
**Defendants.** )

**Case No. 10-CV-2246**

**ORDER**

A Report and Recommendation (#26) was filed by Magistrate Judge David G. Bernthal in the above cause on March 9, 2011. On March 28, 2011, Plaintiff Gilbert Land Development, Inc., filed their Objection to Report and Recommendation (#27). On April 5, 2011, Defendant Kelly Finet filed her Response to Plaintiff's Objections (#29). Defendant Suzanne Jennings Wells filed her Response to Plaintiff's Objections (#30) on April 6, 2011. Following this court's careful de novo review of the Magistrate Judge's reasoning and Plaintiff's Objection, this court agrees with and accepts the Magistrate Judge's Report and Recommendation (#26). This court agrees that Defendants' Motion to Dismiss (#12) and Motion to Dismiss (#19) should be GRANTED. Plaintiff's Motion for Entry of Default (#16) is DENIED. Plaintiff's Motion for a Temporary Restraining Order (#2) is MOOT.

IT IS THEREFORE ORDERED THAT:

- (1) The Report and Recommendation (#26) is accepted by this court.
- (2) Defendants' Motion to Dismiss (#12) and Motion to Dismiss (#19) are GRANTED.
- (3) Plaintiff's Complaint (#1) is dismissed with prejudice as to ALL Defendants.
- (4) Plaintiff's Motion for Entry of Default (#16) is DENIED.
- (5) Plaintiff's Motion for Temporary Restraining Order (#2) is MOOT.

(6) This case is terminated.

ENTERED this 4<sup>th</sup> day of May, 2011

**s/ Michael P. McCuskey**  
MICHAEL P. McCUSKEY  
CHIEF U.S. DISTRICT JUDGE