

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

U.S. BANK, as legal representative of the)
Estate of Martinez D. Jones, deceased,)
)
Plaintiff,)
v.)
)
FED EX GROUND PACKAGE SERVICE,)
INC., et al.,)
)
Defendants.)

Case No. 12-CV-2084

ORDER

A Report and Recommendation (#40) was filed by Magistrate Judge David G. Bernthal in the above cause on November 6, 2012. More than fourteen (14) days have elapsed since the filing of the Recommendation and no objections have been made. See 28 U.S.C. § 636(b)(1). The Recommendation of the Magistrate Judge is, therefore, accepted by the court. See Video Views, Inc. v. Studio 21, Ltd, 797 F.2d 538 (7th Cir. 1986).

IT IS THEREFORE ORDERED THAT:

- (1) The Report and Recommendation (#40) is accepted by this court.
- (2) Defendants’ Motion to Dismiss (#34) is GRANTED without prejudice as to Counts IX and X and DENIED as to Counts III, IV, VII and VIII.
- (3) This case is referred to Judge Bernthal for further proceedings.

ENTERED this 3rd day of January, 2013.

s/MICHAEL P. McCUSKEY
U.S. DISTRICT JUDGE