

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DAVID L. TURNER,)
MELINDA J. TURNER,)
)
Plaintiffs,) 1:15-cv-01046-SEB-MJD
vs.)
)
TRINITY FINANCIAL SERVICES, LLC,)
LAW OFFICE OF DAMIAN G. WALDMAN,)
P.A.,)
)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

The Magistrate Judge submitted his Report and Recommendation on Defendant's Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim [Dkt. 12]. The parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections; none were filed. The Court, having considered the Magistrate Judge's Report and Recommendation, hereby adopts the Magistrate Judge's Report and Recommendation.

The Defendants' Motion to Dismiss Plaintiffs' Complaint for Failure to State a Claim is **DENIED** as to Counts I and II (FDCPA and RESPA) and **GRANTED** as to Count III (Breach of Fiduciary Duty), dismissing the breach of fiduciary duty claim without prejudice. Plaintiff may file an amended complaint curing the deficiencies discussed above, if desired, within twenty-one (21) days of the date of this Order.

SO ORDERED.

12/1/2015



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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