

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION  
ASHLAND

CIVIL ACTION NO. 13-61

KEVIN BROWN,

PLAINTIFF,

v.

ORDER

ARCH WOOD PROTECTION, INC., *et al.*,

DEFENDANTS.

This matter is before the Court upon Defendant Chemical Specialties, Inc.'s Motion to Dismiss [R. 3] and Defendants Arch, Osmose, Koppers, and T.R. Miller's Joint Motion to Dismiss [R. 11]. Pursuant to 28 U.S.C. § 636(b), the undersigned referred the motions to Magistrate Judge Candace J. Smith for a report and recommendation.

On February 13, 2014, the Magistrate issued her report and recommendation the Motions to Dismiss be overruled [R. 45].

Defendants filed timely objections to the Magistrate's Report and Recommendation [R. 46]. The Court having reviewed the objections, as well as the record, finds nothing therein which would contradict or call into question the findings of the Magistrate. The Objections are, essentially, a reiteration of the arguments set forth in the Defendants' dispositive motion. Those arguments were considered and rejected by the Magistrate Judge and Defendants offer no additional argument or precedent which would persuade this Court to differ with the Magistrate Judge's recommendation.

Thus, the Court shall adopt the report and recommendation as and for its own opinion.

Accordingly, **IT IS HEREBY ORDERED** that the Magistrate Judge's report and recommendation [R. 45] is hereby, **APPROVED** and **ADOPTED** as for the opinion of the Court

and, that in conformity therewith, Defendant Chemical Specialties, Inc.'s Motion to Dismiss [R. 3] be **OVERRULED** and Defendants Arch Wood Protection, Inc., Osmose, Inc., Koppers Inc., and T.R. Miller Mill Co., Inc.'s Joint Motion to Dismiss [R. 11] be **OVERRULED**.

This 28<sup>th</sup> day of February, 2014.



Signed By  
Henry R. Wilhoit, Jr.  
United States District Judge