

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Theresa Marie Siwka, et. al.,

Plaintiffs,

Case No. 08-12152

v.

Hon. Nancy G. Edmunds

Smart Recovery Service, LLC., et. al.,

Defendants.

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ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

This matter has come before the Court on the Magistrate Judge's Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including the Report and Recommendation and any objections thereto, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation. It is further ordered that Defendants Smart Recovery Service, LLC and Anthony Benavides's motion for summary judgment [#107] is GRANTED as to Plaintiffs' Counts I, III, IV and VII against Defendants Smart Recovery Service, LLC and Anthony Benavides, and Defendants' request for dismissal pursuant to Fed.R.Civ.P. 37(b)(2)(A)(v) is DENIED WITHOUT PREJUDICE.

SO ORDERED.

s/Nancy G. Edmunds

Nancy G. Edmunds
United States District Judge

Dated: September 17, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 17, 2010, by electronic and/or ordinary mail.

s/Carol A. Hemeyer

Case Manager