

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHRYN LLEWELLYN-JONES,
MARK LLEWELLYN-JONES, CAROLINE
JONES, PETER GREEN, LESLEY GREEN,
SAID FADEL a/k/a SAEED FADHL,
WARREN GROVER, and MARGARET
JOYCE GROVER,

Plaintiffs,

Case Number 13-11977
Honorable David M. Lawson

v.

METRO PROPERTY GROUP, LLC,
METRO PROPERTY MANAGEMENT,
LLC, GLOBAL POWER EQUITIES, LLC,
APEX EQUITIES, SAMEER BEYDOUN,
ALI BEYDOUN, TAREK MAHMOUD
BAYDOUN a/k/a TAREK M. BAYDOUN,
a/k/a TAREK BEYDOUN, BAYDOUN
LAW GROUP, PLLC, d/b/a THE MERIDIAN
LAW GROUP, MIKE ALAWEIH, DAVID
MAKKI, CHRIS PICCIURRO, KATHY
MESSICS, GEORGE VANDERBURG,
ALLEN BROTHERS ATTORNEYS AND
COUNSELORS PROFESSIONAL LIMITED
LIABILITY COMPANY, JAMES ALLEN,
and JOHN ALLEN,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING DEFENDANT METRO PROPERTY GROUP LLC'S MOTION FOR A
PRELIMINARY INJUNCTION**

Presently before the Court is Magistrate Judge R. Steven Whalen's report issued on March 13, 2014, recommending that the Court deny defendant Metro Property Group, LLC's motion for a preliminary injunction. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, the defendant did

not file any objections. The plaintiffs filed timely objections on March 27, 2014. The plaintiffs did not object to the magistrate judge's recommendation, but objected to several of his factual findings.

The Court will overrule the plaintiffs' objections because they are not material to the resolution of the defendant's motion. A fact is "material" if its resolution affects the outcome of the suit under the governing substantive law. *Lenning v. Commercial Union Ins. Co.*, 260 F.3d 574, 581 (6th Cir. 2001). Moreover, the plaintiffs are not required to preserve their objections to the magistrate judge's factual findings because "findings of fact and conclusions of law made by a district court in [evaluating] a preliminary injunction are not binding at a trial on the merits." *United States v. Edward Rose & Sons*, 384 F.3d 258, 261 (6th Cir. 2004) (citing *University of Texas v. Camenisch*, 451 U.S. 390, 395 (1981)). The Court agrees with the findings and conclusions of the magistrate judge and will deny the defendant's motion for a preliminary injunction.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #79] is **ADOPTED**.

It is further **ORDERED** that Metro Property Group LLC's motion for a preliminary injunction [dkt. #9] is **DENIED**.

s/David M. Lawson _____
DAVID M. LAWSON
United States District Judge

Dated: March 28, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 28, 2014.

s/Shawntel Jackson _____
SHAWNTEL JACKSON