

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KIRBY KNIGHT, et al.,

Plaintiffs,

Case No. 1:09-cv-973

v.

Hon. Janet T. Neff

ST. JUDE MEDICAL,

Defendant.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed March 25, 2010, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that Defendant St. Jude Medical, Inc.'s Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. 14) is dismissed without prejudice.

Dated: April 9, 2010

/s/Janet T. Neff

JANET T. NEFF

UNITED STATES DISTRICT JUDGE