

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RALPH T. KNAPP,

Civil No. 08-1284 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

MATTHEW P. VANDERGON, *et al.*,

Defendants.

Paul Voge, **VOGE LAW OFFICE, PLLC**, 21 West Superior Street, Suite 500, Duluth, MN 55802; Phillip A. Smith, **LAWFARM**, 4311 Normanna Road, Duluth, MN 55803, for plaintiff.

Standford Hill, **BASSFORD REMELE, PA**, 33 South Sixth Street, Suite 3800, Minneapolis, MN 55402, for defendants First Union Title and Real Estate Services, Michael Kielty, and Michelle Hutton.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated April 23, 2009 [Docket No. 81]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that First Union Title and Real Estate Services, LLC, Michael Kielty, and Michelle Hutton's motion for summary judgment [Docket No. 40] is **DENIED**.

DATED: June 5, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge