

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
 WESTERN DIVISION  
 No. 5:09-CV-205-D

LORD CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
S&B TECHNICAL PRODUCTS, INC., TERRAMIX S.A., and MARK A. WEIH,	)	
	)	
Defendants.	)	

**ORDER**

On February 16, 2011, defendants filed a motion in limine to exclude opinions and testimony of plaintiff’s expert Charles A. Daniels [D.E. 445]. On March 9, 2011, plaintiff responded to the motion [D.E. 459]. On March 9, 2011, this court referred the motion to Magistrate Judge Gates for a memorandum and recommendation. On August 5, 2011, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 576]. In that M&R, Judge Gates recommended that defendants’ motion to exclude opinions and testimony of plaintiff’s expert Charles A. Daniels be denied. On August 15, 2011, defendants filed objections to the M&R [D.E. 587]. On August 25, 2011, plaintiff responded to defendants’ objections [D.E. 598].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, defendants' objections, and plaintiff's response to the objections. As for those portions of the M&R to which defendants made no objection, the court is satisfied that there is no clear error on the face of the record.

The court has reviewed de novo the portions of the M&R to which defendants objected. The court overrules the objections and adopts the conclusions in the M&R [D.E. 576]. Defendants' motion to exclude opinions and testimony of plaintiff's expert Charles A. Daniels [D.E. 445] is DENIED.

SO ORDERED. This 12 day of September 2011.

  
JAMES C. DEVER III  
United States District Judge