

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:09-CV-105-D

HEXION SPECIALTY CHEMICALS, INC.,)
)
) Plaintiff,)
)
) v.)
)
) OAK-BARK CORPORATION,)
)
) Defendant.)

ORDER

On October 19, 2010, Magistrate Webb issued a Memorandum and Recommendation (“M&R”). In that M&R, Judge Webb recommended that defendant’s motion to strike [D.E. 59] be granted and the both of plaintiff’s supporting memorandum [D.E. 55, 58] be stricken. On November 2, 2010, defendant filed a response to the M&R [D.E. 75], and plaintiff filed an objection to the M&R [D.E. 76].

“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, and plaintiff’s objections. As for those portions of the M&R to which plaintiff 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 plaintiff objected. Plaintiff’s arguments merit no further discussion beyond Judge Webb’s cogent analysis in the M&R.

Accordingly, the court adopts the M&R [D.E. 67]. Defendant's motion to strike [D.E. 59] is GRANTED. Plaintiff's supporting memoranda [D.E. 55, 58] are stricken. Plaintiff shall file a single memorandum in support of its motion for summary judgment in compliance with Local Civil Rule 7.2(e) not later than December 17, 2010.

SO ORDERED. This 7 day of December 2010.



JAMES C. DEVER III
United States District Judge