

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WILLIAM C. DAVIS, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 MARK J. DUNCAN and TRIAL )  
 AND ERRORS, INC., )  
 )  
 Defendant. )

1:12CV262

**JUDGMENT**

The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and, on March 31, 2015, was served on the Plaintiff. (Doc. 34.) No objections were filed within the time prescribed by § 636.

The court hereby adopts the Magistrate Judge’s Recommendation.

IT IS ORDERED AND ADJUDGED that Defendant’s Motion to Dismiss (Doc. 21) be GRANTED as to Counts 2 and 3 of Plaintiff’s Complaint, but be DENIED as to Count 1. IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff’s Motion for Partial Summary Judgment (Doc. 23) as to Count 1 be DENIED.

This, the 27<sup>th</sup> day of April, 2015.

          /s/ Loretta C. Biggs            
United States District Judge