

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

KIM NAUGLE, and)
AFRIKA WILLIAMS, on behalf)
of themselves and all others)
similarly situated,)
)
Plaintiffs,)
)
v.) 1:22-cv-727
)
)
DUKE UNIVERSITY HEALTH)
SYSTEM, INC.)
)
Defendant.)

ORDER


On March 1, 2024, the United States Magistrate Judge's Memorandum Opinion, Order and Recommendation ("Recommendation") was filed, and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 53, 54.) In the Recommendation, the Magistrate Judge recommends that Defendant's motion to dismiss be granted in part and denied in part. No objections were filed within the time prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 53), is **ADOPTED**. **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss, (Doc. 48), is **GRANTED IN PART AND DENIED IN PART**, specifically that the Motion to Dismiss

is **GRANTED** to the extent that any claims against a purported class of medical providers other than Defendant DukeHealth are **DISMISS WITHOUT PREJUDICE**, and that Plaintiffs' claims for Intrusion upon Seclusion–Invasion of Privacy, Violation of the Electronic Communications Privacy Act, Negligent Misrepresentation, and Negligence per se is **DISMISSED WITHOUT PREJUDICE**, but otherwise **DENIED**, such that the claims against Defendant DukeHealth for breach of contract and negligence remain.

This the 27th day of March, 2024.



United States District Judge