

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:10cv204
(Consolidated with Civil Case No. 1:10cv233)

RDLG, LLC,)
)
Plaintiff,)
)
vs.)
)
RPM GROUP, LLC; RPM)
GROUP BROKERAGE, LLC;)
FRED M. LEONARD, III;)
JESSICA LEWIS LEONARD;)
JASON BENTON; NICK JAMES;)
and DEXTER HUBBARD,)
)
Defendants.)

MEMORANDUM OF DECISION
AND ORDER

_____)
RPM GROUP, LLC,)
)
Plaintiff,)
)
vs.)
)
RDLG, LLC and)
GLENN G. GOLDAN,)
)
Defendants.)
_____)

THIS MATTER is before the Court on RDLG, LLC's Motion to Dismiss Counterclaim [Doc. 27] and the Magistrate Judge's Memorandum and Recommendation [Doc. 57] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit recommendations for its disposition.

On June 10, 2011, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 57] in this case containing proposed conclusions of law in support of a recommendation regarding the Plaintiff's motion [Doc. 27]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

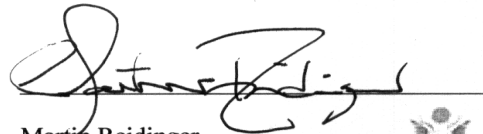
After a careful review of the Magistrate Judge's Recommendation [Doc. 57], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby **ACCEPTS** the Magistrate Judge's Recommendation that the motion to dismiss be

granted and that the counterclaim of RPM Group, LLC and RPM Group Brokerage, LLC be dismissed.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Memorandum and Recommendation [Doc. 57] is **ACCEPTED**; RDLG, LLC's Motion to Dismiss Counterclaim [Doc. 27] is **GRANTED**; and the counterclaim of RPM Group, LLC and RPM Group Brokerage, LLC is hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: June 30, 2011



Martin Reidinger
United States District Judge

