

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:12-cv-00077-MR-DLH**

**RICK L. HODGES and CORNERSTONE
HOMES OF HIGHLANDS, LLC,**

Plaintiffs,

vs.

**LEO A. McKEOUGH COMPANY, LLC,
d/b/a LEO McKEOUGH & CO., and LEO
McKEOUGH JR.,**

Defendants.

ORDER

THIS MATTER is before the Court on Defendant Leo McKeough Jr.'s Motion to Dismiss [Doc. 8] and the Magistrate Judge's Memorandum and Recommendation [Doc. 15] 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 a recommendation for its disposition.

On July 3, 2013, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in

support of a recommendation regarding the Defendant's Motion. [Doc. 15]. 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, 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 Defendant's Motion to Dismiss should be denied.

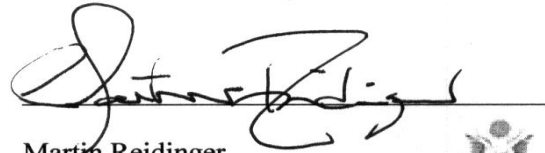
ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 15] is **ACCEPTED** and Defendant Leo McKeough's Motion to Dismiss [Doc. 8] is **DENIED**.

IT IS FURTHER ORDERED that the parties shall conduct an initial attorneys' conference within fourteen (14) days of the entry of this Order and file a certificate of initial attorneys' conference within seven (7) days thereafter.

IT IS SO ORDERED.

Signed: August 12, 2013

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

