

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:14-cv-00007-MR-DLH**

**DIAMOND FALLS ESTATES, LLC,
SHIRLEY M. BUAFO, and CHARLES K.
BUAFO,**

Plaintiff,

vs.

**NANTAHALA BANK & TRUST COMPANY,
STEVE E. GRAVETT, EXCELL PARTNERS,
LLC, and JOHN/JANE DOES,**

Defendants.

ORDER

THIS MATTER is before the Court on the Defendants Steve Gravett and Excell Partners, LLC's Motion to Dismiss in Part [Doc. 4] and the Magistrate Judge's Memorandum and Recommendation [Doc. 19] 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 April 23, 2014, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendants' Motion. [Doc. 19]. 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 Defendants' Motion to Dismiss should be granted.

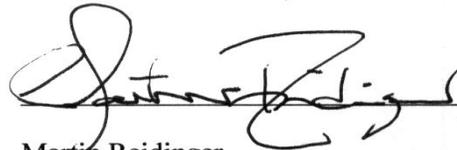
ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 19] is **ACCEPTED**; the Defendants' Motion to Dismiss in Part [Doc. 4] is **GRANTED**; and any claims asserted by the Plaintiffs Shirley Buafo and Charles Buafo against Steve Gravett and Excell Partners, LLC in Counts One and Two, as well as any breach of statutory

duty claims asserted by Plaintiff Diamond Falls Estates, LLC against Defendant Excell Partners, LLC in Count One are hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: May 15, 2014


Martin Reidinger
United States District Judge

