

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07cv153-RJC-DCK**

**REMEDICATION PRODUCTS, INC.,**            )  
  )  
  )  
  )  
  )  
**Plaintiff,**                                        )  
  )  
**v.**    )  
  )  
**ADVENTUS AMERICAS, INC.,**                )  
**a Delaware Corporation, and**                )  
**ENVIROMETAL TECHNOLOGIES,**            )  
**INC., a Canadian Corporation,**            )  
  )  
  )  
  )  
**Defendants.**                                    )  
\_\_\_\_\_)

**ORDER**

**THIS MATTER** is before the Court on the defendants’ motion to dismiss portions of the plaintiff’s first amended complaint (Doc. No. 99), the briefs in support and opposition (Doc. Nos. 100, 102, & 106), and the Magistrate Judge’s Memorandum and Recommendations (“M&R”) (Doc. No. 186). The Court will **DENY** the defendants’ motion.

**I. BACKGROUND**

Neither party has objected to the Magistrate Judge’s statement of the factual and procedural background of this case, and the Court thus adopts the facts as set forth in the M&R.

**II. STANDARD OF REVIEW**

The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy

itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Similarly, de novo review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the Court has conducted a careful review of the Magistrate Judge’s M&R.

### **III. DISCUSSION**

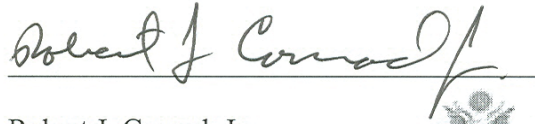
Neither the plaintiff nor the defendants filed an objection to the M&R, and the Court has thus reviewed the M&R for clear error. Accordingly, after a careful review of the record in this case, the Court finds that the Magistrate Judge’s recommendations are consistent with and supported by controlling law. Consequently, the Court hereby accepts the M&R of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

### **IV. CONCLUSION**

**IT IS, THEREFORE, ORDERED** that the defendants’ motion to dismiss portions of the plaintiff’s first amended complaint (Doc. No. 99) is **DENIED**.

**SO ORDERED.**

Signed: March 18, 2010

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

