

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Lavern Jones, et al.,

Case No. 3:12 CV 345

Plaintiffs,

O R D E R

-vs-

JUDGE JACK ZOUHARY

International Longshoremen's Association
(ILA), et al.,

Defendants.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed August 23, 2012 (Doc. 34). The R&R recommends this Court: (1) deny Plaintiff Smith’s Motion to Dismiss (Doc. 27); (2) deny Plaintiff Martin’s Motion to Dismiss (Doc. 28); (3) grant the Motion to Dismiss filed by all Plaintiffs (Doc. 30); and (4) enter judgment for Defendants in the amount of \$987.50 for attorneys fees and costs (Doc. 34 at 5–17).

Under 28 U.S.C. § 636(b)(1), a party must serve and file his written objections to the Magistrate’s proposed findings and recommendations within fourteen (14) days of being served with the R&R, at which time this Court makes a *de novo* determination of those portions of the R&R to which objections were made. The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

The deadline for filing objections was September 6, 2012. It is now September 17, 2012, and neither party has filed objections. The R&R accurately states the facts and law, and this Court adopts

it in its entirety, with the exception of Parts VI and VII. Accordingly, Plaintiffs' Motion to Dismiss (Doc. 30) is granted, and Plaintiffs are ordered to pay Defendants \$987.50 in attorneys fees and costs. Because dismissal of this case is appropriate under Federal Civil Rule 41, it is unnecessary to address Plaintiff Smith's and Martin's individual motions, which are moot.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

September 17, 2012