

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**NATIONAL CITY COMMERCIAL
CAPITOL CO. LLC,**

Plaintiff

v.

C-1-08-468

CALIBER HOMES, LLC., *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 55) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by a defendant, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 55) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. The Clerk is DIRECTED to file an Entry of Default against defendants Caliber Homes, LLC, Caliber Holdings Company, LLC, Performance Construction, Inc. and Deseret Sky Development, LLC.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court