

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROSSER INTERNATIONAL, INC.,

Plaintiff

v.

C-1-08-681

JACK ROUSE ASSOCIATES, INC.,

Defendant

ORDER

This matter is before the Court upon the Order and Report and Recommendation of the United States Magistrate Judge (doc. no. 59) to which neither party has objected.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 59) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. The Motion to Dismiss filed by Counterclaim Defendants Griffin, Vaughan and Paul (doc. no. 26) is DENIED subject to re-filing after the completion of fact discovery or, in any event, by June 18, 2010.

This case is RECOMMENDED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

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