

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CINCINNATI INSURANCE COMPANY,	:	
	:	NO. 1:09-CV-00003
Plaintiff,	:	
	:	
v.	:	
	:	<b>OPINION AND ORDER</b>
	:	
DORSEY CONSTRUCTION COMPANY,	:	
et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Report and Recommendation in which the Magistrate Judge recommended Plaintiff's entry of default be granted (doc. 15). For the reasons indicated herein, the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety.

Plaintiff initiated this action on January 5, 2009, against five named Defendants (doc. 1). All Defendants were properly served, but Defendants Abbot Masonry and American Glass failed to file an answer or otherwise respond to Plaintiff's complaint (doc. 15). Plaintiff then filed a motion for entry of default (doc. 7).

In the Report and Recommendation, after a review of the procedure governing entry of default under Fed. R. Civ. P. 55(a), the Magistrate Judge recommended that due to Defendants Abbot Masonry and American Glass' failure to defend this action, an entry of default be entered (doc. 15). Having reviewed this matter, the Court finds the Magistrate Judge's Report and Recommendation well-

reasoned and correct.

The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C).

Having reviewed this matter de novo pursuant to 28 U.S.C. §636(b), the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety (doc. 15) and DIRECTS the Clerk to enter a default against Defendants Abbott Masonry and American Glass pursuant to Fed. R. Civ. P. 55(a). The Court REFERS this matter back to the Magistrate Judge for any further proceedings on the issue of default judgment and determination of damages.

SO ORDERED.

Dated: June 10, 2009

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge