

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

PNC EQUIPMENT FINANCE, LLC,

Plaintiff

v.

C-1-12-236

AERO TOY STORE, LLC,  
*et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 45) 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 plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 45) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Defendants' two Motions to Dismiss for Insufficient

**Service of Process (doc. nos. 26 and 44) are DENIED WITHOUT PREJUDICE and plaintiff's Motion to Strike Defendants' Demand for a Jury Trial on Their Counterclaim (doc. no. 27) is GRANTED.**

**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**