

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

Linda Grubbs, et al.,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:13cv246
vs.	:	
	:	Chief Judge Susan J. Dlott
Sheakley Group, Inc., et al.,	:	
	:	
Defendant(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on January 17, 2014 a Report and Recommendation (Doc. 75). Subsequently, the defendant filed objections to such Report and Recommendation (Doc. 78) and plaintiffs filed a response to the objections (Doc. 79).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, plaintiff’s motion for leave to file a first amended complaint (Doc. 54) is

GRANTED in part and **DENIED** in part as follows:

1. the motion to amend is **DENIED** as to Count XII, plaintiffs’ aiding and abetting claim against First Financial Bank;
2. plaintiffs concede that they fail to state a claim for unjust enrichment against defendant U.S. Bank; thus the motion to amend is **DENIED** as to Count XX of the proposed amended complaint;

3. the motion to amend is **GRANTED** as to the remaining counts.

Defendants' motions to dismiss (Docs. 17, 21, 25, 26, 35, and 58) are **DENIED AS
MOOT.**

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court