

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

Vincent Lucas,

Plaintiff,

v.

Case No. 1:16cv790

Desilva Automotive Services, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on March 20, 2017 (Doc. 65).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 65) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion to Strike (Doc. 32) is **GRANTED IN PART** consistent with the recommendation by the Magistrate Judge; Plaintiff's Motion to Vacate (Doc. 33) as construed by the Magistrate Judge as a Motion to Amend Complaint **DISMISSES** Freeport Ventures, LLC a California company, upon the substitution of a correctly named party; and the Filippo Defendants' Motion to Set Aside Default (Doc. 50) is **GRANTED**.

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett
United States District Judge