

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

Inhalation Plastics, Inc.,

Plaintiff,

v.

Medex Cardio-Pulmonary, Inc., et al.,

Case No. 2:07-cv-116

Defendants.

Medex Cardio-Pulmonary, Inc.,

Counter-Claimant,

v.

Inhalation Plastics, Inc., et al.,

Judge Michael H. Watson

Counter-Defendants.

ORDER

On December 1, 2016, Magistrate Judge Jolson issued a Report and Recommendation ("R&R") recommending the Court deny Defendants Medex Cardio-Pulmonary, Inc. Smith Medical ASD's amended motion for attorneys' fees and taxation of costs, ECF No. 332, without prejudice as prematurely filed. R&R, ECF No. 357.

The R&R notified the parties of their right to file objections to the R&R pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). The R&R further specifically advised the parties that the failure to object to the R&R within fourteen days would result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the decision of the District Court. R&R 7, ECF No. 357. The deadline for filing such objections has passed, and no objections were filed.

Accordingly, the R&R is **ADOPTED**. Defendants' motion for attorneys' fees and taxation of costs, ECF No. 332, is **DENIED WITHOUT PREJUDICE** as prematurely filed.

The Court will hold a status conference in this case on **Tuesday, January 10, 2017 at 10:00 a.m.** Counsel are directed to confer with one another prior to the status conference and be prepared to discuss with the Court: (1) what efforts have been made toward resolving this case; (2) how the parties wish to proceed.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT