

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

Thomas Replogle, Administrator of the  
Estate of Rennie R. Moore,

Plaintiff, : Case No. 3:09-cv-102

- vs -

: District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

Montgomery County, Ohio, et al., :

Defendants. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz on Motion for Reconsideration (Doc. #25), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Motion for Reconsideration is DENIED. Defendant Duerr and Nolan's Motion for Judgment on the Pleadings is GRANTED and the Complaint DISMISSED as to them without prejudice for failure to state a claim upon which relief can be granted.

July 19, 2009.



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Walter Herbert Rice  
United States District Judge