

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

DAVID W. SVETE,	:	
	:	
Plaintiff,	:	Case No. 3:09cv00357
	:	
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
HOWARD F. WUNDERLICH, M.D.,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	

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**DECISION AND ENTRY**

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The Court has conducted a *de novo* review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #196), to whom this case originally 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.

It therefore is **ORDERED** that:

1. The Report and Recommendations filed on January 29, 2010 (Doc. #196) is ADOPTED in full;
2. Plaintiff's Notice of Voluntary Dismissal (Doc. #192) is STRICKEN for failure to comply with Fed. R. Civ. P. 41(a);

and

3. The parties are DIRECTED to comply with the terms of this Court's January 29, 2010 Entry and Order (Doc. #197) regarding the assessment of attorneys' fees and costs.

February 18, 2010

*\*s/THOMAS M. ROSE*

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Thomas M. Rose  
United States District Judge