

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

**DWS INTERNATIONAL, INC.,  
dba MARBLE DIMENSIONS  
WORLDWIDE, INC.,**

**Plaintiff,**

**-v-**

**MEIXIA ARTS AND HANDICRAFTS,  
CO., LTD., et al.,**

**Defendants.**

**Case No. C-3:09-cv-458**

**Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz**

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**ENTRY AND ORDER OVERRULING SUDYK'S OBJECTIONS (Doc. #176) TO THE MAGISTRATE JUDGE'S SUBSTITUTED REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S SUBSTITUTED REPORT AND RECOMMENDATIONS (Doc. #149) IN ITS ENTIRETY AND OVERRULING SUDYK'S MOTION TO DISMISS**

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This matter comes now before the Court pursuant to Thomas Sudyk's ("Sudyk's") Objections (doc. #176) to Magistrate Judge Michael R. Merz's Substituted Report and Recommendations regarding Sudyk's Motion To Dismiss. This matter is now fully briefed and ripe for decision.

Magistrate Judge Merz issued a Report and Recommendations (doc. #143) regarding Sudyk's Motion To Dismiss to which Sudyk objected (doc. #145). Magistrate Judge Merz then issue a Substituted Report and Recommendations again recommending that Sudyk's Motion To Dismiss be denied. (Doc. 149.) Sudyk objected to the Substitute Report and Recommendations (doc. #176) and Plaintiff Marble Dimensions Worldwide ("MDW") has responded (doc. #186).

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court

finds that the Magistrate Judge's Substituted Report and Recommendations is adopted in its entirety. This Court has personal jurisdiction over Sudyk and MDW's Amended Complaint states claims against Sudyk upon which relief may be granted. Sudyk's Motion To Dismiss is OVERRULED.

**DONE** and **ORDERED** in Dayton, Ohio, this Nineteenth Day of January, 2011.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record