

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

DANIEL PEOPLES, JR.,

Plaintiff,

:

Case No. 3:11-cv-127

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

:

VEOLIA WATER NORTH AMERICAN
OPERATING SERVICES, LLC, et al.,

Defendants.

DECISION AND ORDER; REPORT AND RECOMMENDATIONS

This case is before the Court on Notice of the Bankruptcy Court's Approval of the Trustee's Motion to Settle and Compromise Claims (Doc. No. 36).

Based on that Notice, the stay of these proceedings pending the bankruptcy action (Notation Order granting Doc. No. 35) is VACATED. The Motion of Thomas Noland, Bankruptcy Trustee, to be added as a Plaintiff in this action (Doc. No. 27) is GRANTED.

Based on the settlement of Plaintiff's claims against Defendants by Mr. Noland as Trustee and Judge Walter's approval of that settlement, it is respectfully recommended that Defendants' Motion for Summary Judgment (Doc. No. 22) be denied as moot and that this action be dismissed with prejudice as compromised and settled.

April 21, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).