

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

MARY E. MILLER, et al.,

Plaintiff,

:

Case No. 3:11-cv-237

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

:

AutoZone, Inc., et al.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 14), 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) expired on December 5, 2011, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendant AutoZone's Motion to Dismiss for lack of service of process be, and it hereby is, DENIED.

December 9, 2011.

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge