

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

THOMAS E. LEFFEL,	:	Case No. 3:17-cv-79
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
VILLAGE OF CASSTOWN,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 15), ADOPTING
REPORT AND RECOMMENDATIONS (DOC. 14), AND GRANTING IN
PART AND DENYING IN PART DEFENDANT’S MOTION FOR JUDGMENT
ON THE PLEADINGS (DOC. 11)**

This case is before the Court on the Objections (Doc. 15) filed by Defendant Village of Casstown (“the Village”) to the Magistrate Judge’s Report and Recommendations (“Report”) (Doc. 14). In the Report, Magistrate Judge Sharon L. Ovington recommended that the Court grant the Village’s Motion for Judgment on the Pleadings (Doc. 11) as to Plaintiff’s claim for damages (in claim five) that arises from claim two, but deny the Motion for Judgment on the Pleadings as to claims one, three, four, and Plaintiff’s remaining claim for damages in claim five. The Village filed Objections (Doc. 15) to the Report, in response to which Plaintiff filed a Response (Doc. 18). The Village then filed a Reply (Doc. 19) to Plaintiff’s Response, although Federal Rule of Civil Procedure 72(b) does not authorize the filing of a reply memorandum. Nonetheless, the Court included the Village’s Reply in its consideration of the Report.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that the Village's Objections (Docs. 15) to the Report (Doc. 14) are not well-taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report (Doc. 14) in its entirety and, accordingly, **GRANTS** the Motion for Judgment on the Pleadings (Doc. 11) as to Plaintiff's claim for damages (in claim five) that arises from claim two, but **DENIES** the Motion for Judgment on the Pleadings as to claims one, three, four, and Plaintiff's remaining claim for damages in claim five.

DONE and ORDERED in Dayton, Ohio, this Friday, January 5, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE