

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA
 COLUMBIA DIVISION

Slep-Tone Entertainment Corporation,)	Civil Action No.: 3:13-2071-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Jeremy Kelly d/b/a DJ Slinky d/b/a Kelly)	
Entertainment; William Jackson d/b/a Laser Chicken)	<u>AMENDED OPINION AND</u>
Karaoke; Linda Y. Love d/b/a Red Eyed Karaoke;)	<u>ORDER</u>
Johnny D. Gentry d/b/a Ride Te Tide Entertainment;)	
Linda Carr d/b/a Linda’s Carraoke; Shelly Omeara)	
d/b/a DJ Shelly; Ozzie’s Country Island, LLC;)	
Shooter’s Grill & Pub, Inc.; Delaney’s Music Pub &)	
Eatery, Inc., and Sato Enterprises, Inc.,)	
)	
Defendants.)	
_____)	

Plaintiff Slep-Tone Entertainment Corporation (“Plaintiff”) brought this action against the named defendants alleging claims of trademark infringement, unfair competition, and violation of the South Carolina Unfair Trade Practices Act. (ECF No. 1.) The matter is before the Court for review of the Report and Recommendation of the United States Magistrate Judge recommending that motions to dismiss filed by Defendants Linda Y. Love d/b/a Red Eyed Karaoke; Shelly Omeara d/b/a DJ Shelly (pro se); and Shooter’s Grill & Pub, Inc. be denied (ECF Nos. 36, 46, & 47), and Plaintiff’s motions to voluntarily dismiss its claims against Defendants William Jackson d/b/a Laser Chicken Karaoke; Delaney’s Music Pub & Eatery, Inc.; Sato Enterprises, Inc.; and Linda Carr d/b/a Linda’s Carraoke be granted. (ECF Nos. 113 & 115.) The July 31, 2014 Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina. (ECF No. 119.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court.

See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

The parties were advised of their right to file objections to the Report and Recommendation. (ECF No. 119 at 7.) No objections were filed, and the time for doing so expired on August 18, 2014. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court adopts the Report. Therefore, the motions to dismiss filed by Defendants Linda Y. Love d/b/a Red Eyed Karaoke; Shelly Omeara d/b/a DJ Shelly (pro se); and Shooter’s Grill & Pub, Inc. are DENIED (ECF Nos. 36, 46, & 47), and Plaintiff’s motions to voluntarily dismiss its claims against Defendants William Jackson d/b/a Laser Chicken Karaoke; Delaney’s Music Pub & Eatery, Inc.; Sato Enterprises, Inc.; and Linda Carr d/b/a Linda’s Carraoke are GRANTED. (ECF Nos. 113 & 115.) Further, Defendant Johnny D. Gentry d/b/a Ride Te Tide Entertainment and Defendant Ozzie’s Country Island, LLC are hereby dismissed from this action without prejudice pursuant to Rule 4 of the Federal Rules of Civil Procedure in accordance with the Magistrate Judge’s recommendation. (ECF No. 119 at 1.)

IT IS SO ORDERED.

s/Mary G. Lewis
MARY G. LEWIS
UNITED STATES DISTRICT JUDGE

April 15, 2015
Columbia, South Carolina