

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL W. WATKINS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:08-0426
)	Judge Echols
KAJIMA INTERNATIONAL, INCORPORATED, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court are the Report and Recommendation (“R&R”) entered by the Magistrate Judge on August 7, 2009 (Docket Entry No. 167) and the objections filed by Plaintiffs Michael W. Watkins and Michael D. Watkins (Docket Entry No. 171).

Federal Rule of Civil Procedure 72(b) requires a party to make “specific written objections to the proposed findings and recommendations.” When a party makes such objections, the Court “shall make a *de novo* determination of the matter and may conduct a new hearing, take additional evidence, recall witnesses, recommit the matter to the Magistrate Judge for further proceedings and consideration, conduct conferences with counsel for the affected parties, and receive additional arguments, either oral or written, as the District Judge may desire.” L.R.M.P. 9(b)(3).

Plaintiffs have not made any specific objections to the R&R. Plaintiffs simply make general statements about their due process rights to be heard at a trial. They have not pointed to any error of fact or law committed by the Magistrate Judge that should warrant a modification of the recommendations made in the R&R, and the Court has been unable to find any such error of fact or law in the R&R. Accordingly, the Court rules as follows:

(1) Plaintiff's objections to the R&R (Docket Entry No. 171) are hereby OVERRULED;

(2) the R&R (Docket Entry No. 167) is hereby ACCEPTED;

(3) Plaintiffs' Motion For Leave To Amend Complaint As Attached (Docket Entry No. 145) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED as to Defendants Anne Hunter, Stephen Sands, Peter Vail and the State of California and all other Defendants not previously dismissed. The Motion is DENIED as to Defendants Don L. Smith, Jefferson C. Orr, and Gregory L. Cashion and the previously dismissed Defendants;

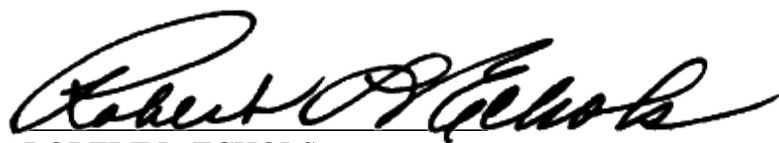
(4) Plaintiffs' Motions For Leave To Further Amend Complaint As Attached (Docket Entry Nos. 158 & 160) are hereby DENIED;

(5) the Motion to Dismiss Defendants Don L. Smith, Jefferson C. Orr, and Gregory L. Cashion (Docket Entry No. 140) is hereby GRANTED and these Defendants are dismissed from the case for failure to state a claim against them, Fed.R.Civ.P. 12(b)(6);

(6) Defendants Anne Hunter, Stephen Sands, Peter Vail, and State of California's Motion to Dismiss (Docket Entry No. 137) is hereby DENIED WITHOUT PREJUDICE AS MOOT; and

(7) this case is hereby returned to the Magistrate Judge for further pretrial proceedings.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE