

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

<b>ALVION PROPERTIES, INC., et al.</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:08-0866</b>
	)	<b>Judge Sharp</b>
<b>BERND H. WEBER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
*****	)	
<b>BERND H. WEBER, et al.</b>	)	
	)	
<b>Counter-Claimants,</b>	)	
	)	
<b>HAROLD M. REYNOLDS, et al.,</b>	)	
	)	
<b>Counter-Defendants.)</b>	)	

**ORDER**

The Magistrate Judge has entered a Report and Recommendation (“R & R”) (Docket No. 514) in this case, recommending that the unopposed Motion for Summary Judgment (Docket No. 471) filed by third-party defendant Elizabeth Melland be granted, and that the third-party complaint against her be dismissed. The Magistrate Judge has also entered an R & R (Docket No. 518) recommending that the “Motion For Equitable Relief” (Docket Entry No. 509) and “Amended Motion For Equitable Relief” (Docket Entry No. 513) filed by Defendants Bernd H. Weber and Claude J. Chauveau be denied. No objections have been filed to either R & R.

Having conducted an independent review of the matter in accordance with Fed. R. Civ. P. 72, the Court agrees with the Magistrate Judge’s recommendations. Accordingly,

(1) The Report and Recommendation (Docket No. 514) and the Report and Recommendation

(Docket Entry No. 518) are hereby ACCEPTED and APPROVED;

(2) The Motion for Summary Judgment (Docket No. 471) filed by third-party defendant Elizabeth Melland is hereby GRANTED, and the third-party complaint against that Defendant is hereby DISMISSED WITH PREJUDICE;

(3) The “Motion For Equitable Relief” (Docket Entry No. 509) and “Amended Motion For Equitable Relief” (Docket Entry No. 513) filed by Defendants Bernd H. Weber and Claude J. Chauveau are hereby DENIED. Said denial is without prejudice to those Defendant’s right to challenge Plaintiffs’ Lanham Act claims at trial or by way of a properly supported motion.

It is SO ORDERED.



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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE