

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JACK VICTOR MILLER,

Plaintiff,

v.

KENNETH HURST et al.,

Defendants.

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) **Case No. 3:17-cv-00791**
) **Judge Aleta A. Trauger**
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ORDER

For the reasons set forth in the accompanying Memorandum, the plaintiff’s Objections (Doc. No. 137) to the Report and Recommendation (“R&R”) (Doc. No. 132) recommending dismissal of this case are **OVERRULED**. The court **ACCEPTS** the R&R with the modifications incorporated in the Memorandum accompanying this Order.

Accordingly, Defendants Nita Miller Graves, Tedd Graves, and Lovingood Publishing Company’s Motion to Dismiss Plaintiff’s Verified Second Amended Complaint (Doc. No. 123) is **GRANTED**; the alternative Motion for Summary Judgment incorporated in the same document is **DENIED AS MOOT**; and the duplicate motion (Doc. No. 124) is **TERMINATED AS MOOT**. Defendants Kenneth “Kenny” Hurst, and Lillibeth Music’s Motion to Join the other defendants’ motion to dismiss is **GRANTED**.

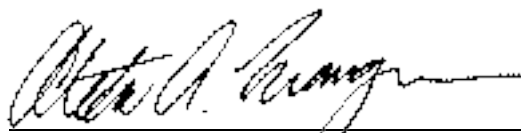
All claims against all defendants are **DISMISSED**. The plaintiff’s copyright infringement claims are **DISMISSED WITHOUT PREJUDICE**, and all other claims are **DISMISSED WITH PREJUDICE**.

The plaintiff’s Motion for Temporary Injunction (Doc. No. 120) is **DENIED AS MOOT**.

The request for appointment of counsel for defendants Russell Sims, Sims Records, and English Music (Doc. No. 83) submitted by Sims' wife, Holly Holstead, is **DENIED AS MOOT**.

It is so **ORDERED**.

The Clerk shall enter judgment in accordance with Fed. R. Civ. P. 58.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

ALETA A. TRAUGER
United States District Judge