

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

CITY OF PORT ARTHUR,

Plaintiff,

*versus*

DAIMLER BUSES NORTH CAROLINA,  
INC.,

Defendant.

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CIVIL ACTION NO. 1:15-CV-186

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of and recommended disposition on case-dispositive pretrial motions. On July 12, 2018, Judge Giblin issued his report and recommendation in which he recommended that the Court grant Defendant Daimler Buses North Carolina, Inc.’s (“Daimler”) motion for summary judgment. *See* Report and Recommendation on Motion for Summary Judgment (#69). The parties have not filed objections to the magistrate judge’s report.

In accordance with 28 U.S.C. § 636(b), the Court conducted a *de novo* review of the magistrate judge’s findings, the record, and the applicable law in this proceeding. After review, the Court finds that Judge Giblin’s findings and recommendations should be accepted.

The Court **ORDERS** that the Report and Recommendation on Motion for Summary Judgment (#69) is **ADOPTED**. Pursuant to Judge Giblin’s recommendation, the Court **ORDERS** that Defendant’s Rule 56 Motion for Summary Judgment and Memorandum in Further Support (#52) is **GRANTED**. Plaintiff City of Port Arthur’s claims are **DISMISSED** in their entirety, with prejudice. The Court will enter final judgment separately.

It is further **ORDERED** that all other pending motions are **DENIED** as moot.

**Signed this date**

**Jul 26, 2018**

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE