

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SOURCE, INC.

§

vs.

§

CASE NO. 2:08-CV-023

§

ACCESS DEVELOPMENT
CORPORATION

§

§

§

MEMORANDUM ORDER

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his recommendation for the disposition of the defendants' motions (Dkt. Nos. 8, 11, 15, 24, 44, 51, 61, 71, and 91) has been presented for consideration. The defendant, JPMorgan Chase & Co. ("JPMC"), filed an objection to the Report and Recommendation. JPMC re-asserts that the plaintiff's endeavors to settle with the defendants have not been diligently pursued. As indicated in the Report and Recommendation, this suggestion is belied by the record before the court—since the filing of its complaint, approximately 28 defendants have been terminated. Therefore, the court overrules the objections. The court is of the opinion that the conclusions of the Magistrate Judge are correct. The court hereby adopts the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, the court denies the defendants' motions (Dkt. Nos. 8, 11, 15, 24, 44, 51, 71, and 91) to dismiss. The court denies Tuition Fund, LLC's motion (Dkt. No. 61) to dismiss as moot.

SIGNED this 31st day of March, 2009.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE