

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PITTSBURG SNF LLC, et al.,

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v.

PHARMERICA EAST, INC.,

*Defendant and Third-Party Plaintiff,*

Case No. 2:10-CV-363-JRG-RSP

v.

PHARMASTER, L.P., et al.,

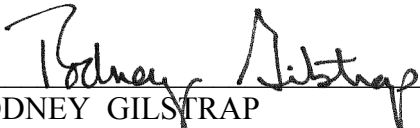
*Third-Party Defendants.*

**ORDER**

Currently before the Court is the Report and Recommendation filed by the Magistrate Judge on July 19, 2012 (Dkt. No. 165) recommending that the Plaintiffs’ Motion to Dismiss PharMerica’s Counterclaims (Dkt. No. 63, filed November 14, 2011) be DENIED-IN-PART and GRANTED-IN-PART: PharMerica’s counterclaims should not be dismissed or struck, except that PharMerica’s counterclaim for abuse of process should be DISMISSED WITH PREJUDICE. No objections having been filed and for the reasons set forth in the Court’s Report and Recommendation, the Recommendation is adopted. Accordingly,

IT IS ORDERED that Plaintiffs’ Motion to Dismiss PharMerica’s Counterclaims (Dkt. No. 63) is DENIED, except that PharMerica’s counterclaim for abuse of process is DISMISSED WITH PREJUDICE.

**So ORDERED and SIGNED this 28th day of September, 2012.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE