

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

MUSIC CHOICE,	§	
	§	
Plaintiffs,	§	
	§	No. 2:16-CV-00586-JRG-RSP
v.	§	(lead case)
	§	No. 2:16-CV-00964-JRG-RSP
STINGRAY DIGITAL GROUP INC. and	§	(member case)
STINGRAY MUSIC USA, INC.,	§	
	§	
Defendants.	§	

**ORDER**

The above entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report and Recommendation (Dkt. No. 46) by Magistrate Judge Payne, which recommends that Music Choice's Motion to Dismiss (Dkt. No. 21) in member case No. 2:16-CV-00964 be denied. Music Choice lodged objections (Dkt. No. 47) to the Report.

Having considered the Report and Music Choice's objections, the Court concludes Magistrate Judge Payne's Report and Recommendation is correct. **IT IS THEREFORE ORDERED** that the Report and Recommendation (Dkt. No. 46) is hereby **ADOPTED**. Defendants' Motion to Dismiss (Dkt. No. 21) is **DENIED**.

**So Ordered this**

**Sep 28, 2017**

  
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 RODNEY GILSTRAP  
 UNITED STATES DISTRICT JUDGE