

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

CHARLES C. FREENY III, BRYAN E.  
FREENY, and JAMES P. FREENY,

*Plaintiffs,*

v.

FOSSIL GROUP, INC.,

*Defendant.*

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Case No. 2:18-CV-00049-JRG-RSP

**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 & Recommendation (Dkt. No. 51) by Magistrate Judge Payne, which recommends that Defendant Fossil Group, Inc.’s motion to dismiss (Dkt. No. 20) be denied. No party has objected to the Report & Recommendation.

Having reviewed Magistrate Judge Payne’s Report & Recommendation, Fossil’s motion and reply (Dkt. No. 27) and the Freenys’ response (Dkt. No. 25) and sur-reply (Dkt. No. 28), the Court concludes that the Report & Recommendation (Dkt. No. 51) is correct and is hereby **ADOPTED**. Accordingly, Fossil’s motion to dismiss (Dkt. No. 20) is **DENIED**.

**So ORDERED and SIGNED this 7th day of March, 2019.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE