Pulkrabek et al v. TOYOTA MOTOR SALES, USA, INC. et al Doc. 50

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

DAVID PULKRABEK, BARBARA RAINEY, ANDREW SCHWAB, WESLEY DICKMAN, and WHITNEY DICKMAN, on their own behalf and on Behalf of a class of similarly situated individuals,	§	
Plaintiffs,	§	
v.	§	Case No. 2:20-cv-00036-JRG-RSP
TOYOTA MOTOR SALES, U.SA., INC. and TOYOTA MOTOR NORTH AMERICA, INC.,	§	
Defendants.	§	

ORDER

Defendants Toyota Motor Sales, U.S.A., Inc. ("TMS") and Toyota Motor North America, Inc. ("TMNA") (collectively, "Toyota") previously filed a Motion to Dismiss Plaintiff's First Amended Complaint and Brief (Dkt. No. 25.) Magistrate Judge Payne entered a Report and Recommendation, recommending denial of Toyota's Motion to Dismiss Plaintiff's First Amended Complaint and Brief (Dkt. No. 48). Toyota has now filed Objections (Dkt. No. 49).

After conducting a *de novo* review of the briefing on the Motion to Dismiss Plaintiff's First Amended Complaint and Brief, the Report and Recommendation, and Toyota's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Toyota's Objections and **ADOPTS** the Report and Recommendation and orders that the Motion to Dismiss Plaintiff's First Amended Complaint and Brief (Dkt. No. 25) is **DENIED**.

Dockets.Justia.com

So Ordered this

Mar 30, 2021

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE