

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

JOSEPH WAYNE GASPARD,
Plaintiff,

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v.

4:08CV267

DALE E. BEHAN, LINDA C. BEHAN,
WESTERN CO. OF TEXAS,
RIVERSONG, INC., MENGER, INC.,
INTERNATIONAL WESTERN CO.,
INC., RIVER NORTH FARMS, INC.,
TWTH, INC.,
Defendants.

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 22, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants Dale and Linda Behan’s Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. 19) and Defendants Western Co. of Texas, Riversong, Inc., Menger, Inc., International Western Co., Inc., River North Farms, Inc., and TWTH, Inc.’s Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. 27) be DENIED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court. Therefore, Defendants Dale and Linda Behan’s Motion to Dismiss for Lack of Subject

Matter Jurisdiction (Dkt. 19) and Defendants Western Co. of Texas, Riversong, Inc., Menger, Inc., International Western Co., Inc., River North Farms, Inc., and TWTH, Inc.'s Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. 27) are DENIED.

IT IS SO ORDERED.

SIGNED this 12th day of September, 2008.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a large initial "M".

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE