

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

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

SEP 30 2010

DAVID J. MALAND, CLERK  
BY  
DEPUTY \_\_\_\_\_

MCKINNEY ECONOMIC DEVELOPMENT CORPORATION,  
Plaintiff/ Counter-Defendant,

v.

MCKINNEY SHORES PROPERTIES, INC.,  
Defendant/ Counter-Plaintiff,

Case No. 4:09cv284

v.

CITY OF MCKINNEY,  
Third-Party Defendant.

MCKINNEY SHORES HOTEL PARTNERS, INC.,  
Intervention Plaintiff,

v.

CITY OF MCKINNEY, MCKINNEY ECONOMIC DEVELOPMENT CORP., MCKINNEY COMMUNITY DEVELOPMENT CORPORATION, THAD HELSLEY and BILL COX,  
Intervention 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 27, 2010, the report of the Magistrate Judge was entered containing proposed

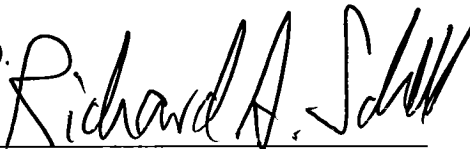
findings that the court has no jurisdiction over this case and <sup>a</sup> recommendation that the case should be remanded to the 296<sup>th</sup> District Court for Collin County, Texas for further consideration and that Defendants' Motion to Dismiss Based on Governmental Immunity (Dkt. 21) should be DENIED as MOOT.

The court, having made a *de novo* review of the objections raised by the Intervention Defendants as well as the Intervention Plaintiff's response, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Intervention Defendants are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

~~Therefore,~~ <sup>Further,</sup> the court finds that it has no jurisdiction over this case, the case shall be remanded to the 296<sup>th</sup> District Court for Collin County, Texas for further consideration, and Defendants' Motion to Dismiss Based on Governmental Immunity (Dkt. 21) is DENIED as MOOT.

**IT IS SO ORDERED.**

SIGNED this 29<sup>th</sup> day of Sept, 2010.

  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE