

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

**YOLANDA PAYTON and ROBERT
PAYTON,
Plaintiffs,**

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VS.

Case No. 4:12CV442-RAS-DDB

**U.S. BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR THE HOLDERS OF THE
SASCO-BC4 TRUST FUND, and BANK OF
AMERICA, N.A.,
Defendants.**

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

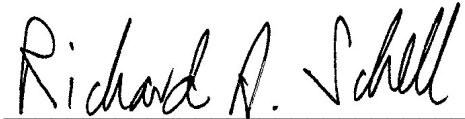
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 14, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants U.S. Bank National Association, as Trustee for the holders of the SASCO-BC4 trust fund (“US Bank”), and Bank of America, N.A. (“Bank of America”)’s Motion to Dismiss Plaintiffs’ Second Amended Complaint (Dkt. #15) 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 U.S. Bank National Association, as Trustee for the holders of

the SASCO-BC4 trust fund (“US Bank”), and Bank of America, N.A. (“Bank of America")'s Motion to Dismiss Plaintiffs’ Second Amended Complaint (Dkt. 15) is DENIED.

IT IS SO ORDERED.

SIGNED this the 27th day of September, 2013.

Handwritten signature of Richard A. Schell in black ink.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE