

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BRAD MILLER, Individually and  
d/b/a FILM-TECH

Plaintiff,

VS.

KYLE McEACHERN

Defendant.

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NO. 3-07-CV-1997-M

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, and the Findings and Recommendation of the United States Magistrate Judge dated January 14, 2009, the Court finds that the Findings and Recommendation of the Magistrate Judge are correct and they are accepted as the Findings and Recommendation of the Court.

**IT IS, THEREFORE, ORDERED** that the Findings and Recommendation of the United States Magistrate Judge are accepted. Defendant's Rule 12(b)(6) motion to dismiss [Doc. #28] is denied.

**SO ORDERED** this 16<sup>th</sup> day of March, 2009.



BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS