

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

ALLSTATE INSURANCE COMPANY,  
ET AL.

Plaintiffs,

VS.

MICHAEL KENT PLAMBECK, D.C.,  
ET AL.

Defendants.

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NO. 3-08-CV-0388-M-BD

**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 September 2, 2010, 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. The court finds that Defendant Angel Junio failed to appear at two court hearings without justification or excuse. As a result, sanctions are appropriate under Rule 16(f) of the Federal Rules of Civil Procedure. Defendant Junio's pleadings will be stricken and an interlocutory default judgment entered against him on the issue of liability. Plaintiffs will be permitted to submit evidence to the court on the issue of damages and to move for the entry of a final default judgment upon the trial of this cause.

**SO ORDERED** this 9<sup>th</sup> day of November, 2010.

A handwritten signature in black ink, reading "Barbara M. G. Lynn". The signature is written in a cursive style with a large initial "B".

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