

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

**SOUTHWESTERN BELL
TELEPHONE COMPANY, et al.,**

Plaintiffs,

v.

PHIL IVERSON, et al.,

Defendants.

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Civil Action No. 3:11-cv-2009-O


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

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Accordingly, it is **ORDERED** that Defendant Phil Iverson’s Motion to Dismiss AT&T’s First Amended Complaint or, in the Alternative, Transfer to the Appropriate Jurisdiction or Compel Arbitration (ECF No. 37) and Defendant Feature Film For Families, Inc., All Things Family, Inc., Blue Skye L.C. and Vera L.C.’s Motion to Dismiss AT&T’s First Amended Complaint (ECF No. 39) are **DENIED** to the extent that Defendants have relied on failure to adequately plead subject matter jurisdiction, the doctrine of primary jurisdiction, limitations, and failure to state a claim upon which relief can be granted. It is further **ORDERED** that Plaintiff is given leave to file an amended complaint within twenty days of this order in accordance with the Magistrate Judge’s

recommendation. Whether some of Plaintiffs' claims are subject to mandatory arbitration and forum selection agreements will be addressed by separate order to be entered in due course.

SO ORDERED on this **29th day of February, 2012.**



Reed O'Connor
UNITED STATES DISTRICT JUDGE