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

TINKER, INC. d/b/a The Hamburger	§
Man,	§
	§
Plaintiff,	§
	§
V.	§
	§
BARBARA POTEET d/b/a The	§
Hamburger Man and CAPTAIN BILLY	§
WHIZZBANG'S HAMBURGERS, INC.	§
d/b/a The Hamburger Man,	§
2 ,	§
Defendants.	§

Civil Action No. **3:14-CV-2878-L**

ORDER

Before the court is Barbara Poteet and Captain Billy Whizzbang's Hamburgers, Inc.'s Motion for Attorneys' Fees and Related Non-Taxable Expenses (Doc. 88), filed October 16, 2017, which was referred to United States Magistrate Judge **Renée Harris Toliver** for hearing, if necessary, and for her to submit to the court proposed findings and recommendations for disposition of the motion. On August 9, 2018, the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") (Doc. 95) was filed. Judge Toliver found that this action was not an "exceptional" case, and, therefore, Defendants were not entitled to an award of attorney's fees. No objections to the Report were filed within the 14-day period allowed pursuant to Federal Rule of Civil Procedure 72(b).

After a careful review of the motion for attorney's fees, the parties' briefing on the motion, the record, and the Report, the court **determines** that findings and conclusions of the Magistrate Judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Barbara

Poteet and Captain Billy Whizzbang's Hamburgers, Inc.'s Motion for Attorneys' Fees and Related Non-Taxable Expenses (Doc. 88).

It is so ordered this 31st day of August, 2018.

Sam Q. Jindsay Sam A. Lindsay United States District Judge