

**United States District Court**  
**NORTHERN DISTRICT OF TEXAS**  
**DALLAS DIVISION**

HC OPERATING, LP, et al.

v.

ATLAS APARTMENTS ACQUISITION,  
LLC, et al.

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CIVIL ACTION NO. 3:19-CV-2425-S-BH

**ORDER**


After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendations of the United States Magistrate Judge [ECF Nos. 102, 104], and seeing no objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct, and they are accepted as the Findings and Conclusions of the Court.

Atlas Apartments Acquisition, LLC's defenses are hereby **STRICKEN**, and the Court finds it to be in default. By separate judgment, its counterclaim will be **DISMISSED** with prejudice. *Plaintiffs' Rule 12(c) Motion for Partial Judgment on the Pleadings*, filed August 13, 2020 [ECF No. 67], *Plaintiffs' Motion to Dismiss Atlas's First Amended Counterclaim for Failure to Comply with Court Order to Retain Counsel*, filed January 10, 2021 [ECF No. 96], and *Plaintiffs' Motion to Sever Atlas' First Amended Counterclaim*, filed February 4, 2021 [ECF No. 100], are **DEEMED MOOT**. *Plaintiffs' Motion to Dismiss its Claims Without Prejudice*, filed February 11, 2021 [ECF No. 101], and *Plaintiffs' Motion to Dismiss its Claims Against Atlas Apartments Acquisition, LLC, Without Prejudice*, filed February 19, 2021 [ECF

No. 103], are both **GRANTED**, and their claims against the defendants will be **DISMISSED** without prejudice under Fed. R. Civ. P. 41(a)(2) by separate judgment.

**SO ORDERED.**

SIGNED March 15, 2021.

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UNITED STATES DISTRICT JUDGE