

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN ACORD, KENNETH ACORD
and MARCELLA ORTEGA,

Plaintiffs,

VS.

YOUNG AGAIN PRODUCTS, INC.,
et al.,

Defendants.

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CIVIL ACTION NO. H-11-3591

**ORDER ADOPTING THE MEMORANDUM AND RECOMMENDATION OF THE
MAGISTRATE JUDGE ON THE DEFENDANTS’ MOTION FOR PARTIAL
SUMMARY JUDGMENT**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge filed on February 7, 2013, (Docket Entry No. 36), and the objections filed by the plaintiffs on February 21, 2013, (Docket Entry No. 37). The findings and conclusions of the magistrate judge have been reviewed de novo. Based on that review, the pleadings, the motions and briefs, the parties’ submissions, and the applicable law, this court adopts the Memorandum and Recommendation as this court’s Memorandum and Order. The defendants’ motion for partial summary judgment is granted.

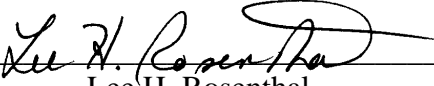
The objections largely reassert arguments that were raised in the filings submitted before the magistrate judge ruled. They are unpersuasive for the reasons identified in the lengthy and thorough Memorandum and Recommendation filed by Magistrate Judge Milloy. The objections are overruled.

As to the claims that remain for trial — the claims for wrongful execution, conversion, and trespass arising from YAP’s seizure of the contents of John Acord’s storage unit — YAP has stated that it would be willing to release the contents back to John Acord. No later than March 15, 2013,

YAP must file a proposal for effectuating the release and, if appropriate, a proposed final judgment.

The plaintiffs will have until March 30 to file a response.

SIGNED on February 27, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge