

United States District Court
Southern District of Texas

ENTERED

March 22, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DHI GROUP, INC. f/k/a DICE HOLDINGS, INC. §
and RIGZONE.COM, INC., §

Plaintiffs, §

v. §

DAVID W. KENT, JR. SINGLE INTEGRATED §
OPERATIONS PORTAL, INC. d/b/a OILPRO §
and OILPRO.COM, *et al.*, §

Defendants. §

CIVIL ACTION H-16-1670

ORDER

Pending before the court is a Memorandum and Recommendation (“M&R”) in which the Magistrate Judge recommends that defendant Bryan Robins’s motion to dismiss (Dkt. 33) be granted in part and denied in part. Dkt. 93. No party filed objections to the M&R. After reviewing the M&R, the motion, related documents, and the applicable law, the court is of the opinion that there is no clear error ad that the M&R should be adopted. *See* Fed. R. Civ. P. 72, Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Accordingly, the M&R (Dkt. 93) is **ADOPTED IN FULL**. Consistent with the Magistrate Judge’s recommendation: (1) Robins’s motion to dismiss the plaintiffs’ claims that Robins aided and abetted in violation of the CFAA, SCA, TUTSA, THACA, and TTLA¹ is **GRANTED**; (2) Robins’s motion to dismiss the plaintiffs’

¹ The “CFAA” is the Computer Fraud and Abuse Act; the “SCA” is the Stored Wire and Electronic Communications and Transactional Records Access Act, the “TUTSA” is the Texas Uniform Trade Secrets Act, “THACA” is the Texas Harmful Access by Computer Act, and “TTLA” is the Texas Theft Liability Act.

claims that Robins aided and abetted in the defendants' violations of state common law torts of misappropriation of confidential information, conversion, trespass to chattels, unfair competition, and tortious interference with business relations is **GRANTED**; (3) Robins's motion to dismiss the plaintiffs' statutory claims that Robins conspired in the violation of the CFAA, TUTSA, THACA, and TTLA is **DENIED**; (4) Robins's motion to dismiss the plaintiffs' statutory claim that Robins conspired in violation of the SCA is **GRANTED**; (5) Robins's motion to dismiss the plaintiffs' common law conspiracy claims of conversion and trespass to chattels is **GRANTED**; (6) Robins's motion to dismiss the common law civil conspiracy claims for violations of the CFAA and SCA is **GRANTED**; (7) Robins's motion to dismiss the plaintiffs' fraud claim is **DENIED**; (8) Robins's motion to dismiss the plaintiffs' claim that Robins conspired to commit tortious interference with present and prospective business relationships is **GRANTED**; and (9) Robins's request for attorneys' fees under the TTLA is **DENIED AS PREMATURE**. The following claims against Robins are **DISMISSED**: aiding and abetting in violation of the CFAA, SCA, TUTSA, THACA, and TTLA; aiding and abetting in the defendants' violations of state common law torts of misappropriation of confidential information, conversion, trespass to chattels, unfair competition, and tortious interference with business relations; conspiring to violate the SCA (statutory claim); conspiring to violate the CFAA and SCA (common law claims); conspiring to convert assets (conversion); conspiring to appropriate information (trespass to chattels); and conspiring to commit tortious interference with present and prospective business relationships.

Signed at Houston, Texas on March 22, 2017.



Gray H. Miller
United States District Judge