

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



CMA CGM S.A.,

Plaintiff,

v.

Case No. 2:18cv215

CAP BARBELL, INC.,

Defendant.

ORDER

This matter comes before the court on Defendant's Partial Rule 12(b)(6) Motion to Dismiss (ECF No. 12) filed on July 13, 2018. The matter was referred to a United States Magistrate Judge by Order of August 3, 2018, (ECF No. 16), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the Motion.

The United States Magistrate Judge's Report and Recommendation (ECF No. 17) was filed on September 17, 2018. The Magistrate Judge recommended that the court grant in part and deny in part Defendant's Partial Rule 12(b)(6) Motion to Dismiss; he recommended that the court grant Defendant's Motion as to Count II, grant Defendant's Motion as to Count III, and deny Defendant's Motion as to Count IV.

