UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA Norfolk Division



CMA CGM S.A.,

v.

Plaintiff,

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 IV.

By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired. Accordingly, the court does hereby ADOPT AND APPROVE IN FULL the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed September 17, 2018. The court GRANTS Defendant's Motion to Dismiss Count IV.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

Rebecca Beach Smith
Chief Judge

REBECCA BEACH SMITH CHIEF JUDGE

October 18, 2018