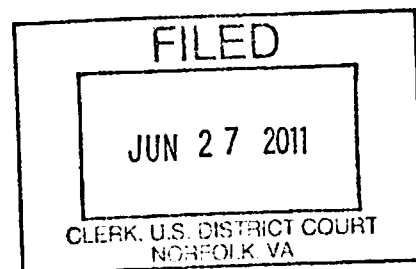


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division



MISTY PETROSKY ELROD,

Plaintiff,

v.

ACTION NO. 4:09cv164

BUSCH ENTERTAINMENT CORPORATION,  
d/b/a WATER COUNTRY USA,  
and SANDEEP DEEPAK AGARWAL,

Defendants.

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JANE DOE #1, an infant then age  
of eleven years, by  
SHANNON MIDDLETON, her mother  
and next friend,

Plaintiff,

v.

ACTION NO. 4:09cv165

BUSCH ENTERTAINMENT CORPORATION,  
d/b/a WATER COUNTRY USA,  
and SANDEEP DEEPAK AGARWAL,

Defendants.

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JANE DOE #2, an infant then age  
of eleven years, by  
NAISSA ARAUJO, her mother  
and next friend,

Plaintiff,

v.

ACTION NO. 4:09cv166

BUSCH ENTERTAINMENT CORPORATION,  
d/b/a WATER COUNTRY USA,  
and SANDEEP DEEPAK AGARWAL,

Defendants.

ORDER

This matter comes before the court on the Motion for Default Judgment as to Defendant Sandeep Deepak Agarwal (ECF #71), filed by the plaintiffs on March 28, 2011, and Motion for Delay of Entry of Default Judgment Against Defendant Sandeep Deepak Agarwal (ECF #76), filed by the defendant, Busch Entertainment Corporation, on May 2, 2011. The matter was referred to a United States Magistrate Judge by order of April 4, 2011 (ECF #74), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) 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 motions.

The United States Magistrate Judge's Report and Recommendation was filed on June 1, 2011 (ECF #83). The magistrate judge recommended plaintiffs' Motion for Entry of Default Judgment as to Sandeep Deepak Agarwal (ECF #71) be denied, that defendant's Motion for Delay of Entry of Default Judgment Against Agarwal (ECF #76) be granted, and that Agarwal lose his standing in this case, including the right to receive notice of the proceedings and the right to present evidence at trial, pursuant to the Entry of Default under Federal Rule of Civil Procedure 55(a).


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. 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 June 1, 2011.

Accordingly, the plaintiffs' Motion for Entry of Default Judgment as to Sandeep Deepak Agarwal is DENIED; the defendant's Motion for Delay of Entry of Default Judgment against Agarwal is GRANTED; and, pursuant to the Entry of Default under Rule 55(a), defendant Agarwal LOSES his standing in this case, including the right to receive notice of the proceedings and the right to present evidence at the trial.

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

It is so ORDERED.

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/s/   
Rebecca Beach Smith  
United States District Judge

Norfolk, Virginia

June 27, 2011