

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

CAROL S. MCCLANAHAN,)	
Plaintiff,)	Civil Action No. 1:08cv00038
)	
v.)	<u>ORDER</u>
)	
BRIAN K. STAINKER, et al.,)	By: GLEN M. WILLIAMS
Defendants.)	SENIOR UNITED STATES DISTRICT JUDGE

This case is currently before the court on the defendants’ Motion To Drop, (Docket Item No. 11), and Motion To Dismiss, (Docket Item No. 12), (collectively “the Motions”). The case was referred, pursuant to 28 U.S.C. § 636(b)(1)(B), to the Honorable Pamela Meade Sargent, United States Magistrate Judge. On February 17, 2009, the Magistrate Judge entered a report and recommendation, (Docket Item No. 39), (“the Report”), recommending that the Motions be granted. Objections to the Report were due by March 6, 2009; however, no objections were filed. Accordingly, the Magistrate Judge’s Report shall be **ACCEPTED**.

In particular, the defendants’ Motion To Drop is hereby **GRANTED**, and it is **ORDERED** that B. McPherson shall be dropped from this action. Additionally, the defendants’ Motion To Dismiss is hereby **GRANTED**, and it is **ORDERED** that Counts Two, Five, Six and Seven of the Complaint shall be **DISMISSED WITHOUT PREJUDICE**. Lastly, with respect to Count Four, the amount of punitive damages shall be capped at \$350,000.00, the amount allowed under Virginia law.

The Clerk is directed to enter this Order and send certified copies to all counsel of record.

ENTER: This 11th day of March 2009.

/s/ *Glen M. Williams*
SENIOR UNITED STATES DISTRICT JUDGE