

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

<b>KANDIE R. WRIGHT,</b>	)	
Plaintiff,		) Civil Action No. 1:08cv00052
		)
v.		) <b><u>ORDER</u></b>
		)
<b>DAVID H. SMITH, M.D.,</b>	)	
<b>and ABINGDON SURGICAL</b>	)	
<b>ASSOCIATES, P.C.,</b>	)	) By: GLEN M. WILLIAMS
Defendants.		) SENIOR UNITED STATES DISTRICT JUDGE

This case is currently before the court on the parties' cross-motions for summary judgment. In particular, the defendant, Abingdon Surgical Associates, P.C., filed a Motion For Summary Judgment, (Docket Item No. 27), on May 15, 2009, and the plaintiff filed a Motion For Partial Summary Judgment, (Docket Item No. 28), on May 18, 2009. 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 June 26, 2009, the Magistrate Judge filed a report, (Docket Item No. 41), ("the Report"), recommending that the motions be denied. Objections to the Magistrate Judge's Report were timely filed by the plaintiff on July 6, 2009, (Docket Item No. 45), and by the defendant on July 10, 2009, (Docket Item No. 46). Upon review of the objections to the Report, and all other relevant filings, the court is of the opinion that the Magistrate Judge's report should be **ACCEPTED**.

For the reasons detailed in the Magistrate Judge's Report, both the plaintiff's Motion For Partial Summary Judgment and the defendants' Motion For Summary

Judgment are hereby **DENIED**. The Clerk is directed to enter this Order and send copies to all counsel of record.

ENTER: This 24<sup>th</sup> day of July 2009.

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