

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**LEONARD O. POWERS,** )  
                  **Plaintiff** )  
                                  ) )  
**v.** ) )  
                                  ) )  
**EQUITABLE PRODUCTION** )  
**COMPANY, etc.** )  
                  **Defendant** )

**ORDER**  
**Case No. 1:09cv00055**  
  
BY: Glen M. Williams  
Sr. United States District Judge

This case is currently before the court on the plaintiff’s motion for summary judgment, (Docket Item No. 13). This case was referred, pursuant to 28 U.S.C. § 636(b)(1)(B), to the Honorable Pamela Meade Sargent, United States Magistrate Judge. On October 26, 2009, the Magistrate Judge entered a report and recommendation, (Docket Item No. 21), (“the Report”), recommending the motion for summary judgment be denied. Objections to the Report were due by November 12, 2009; however, no objections were filed. As such, the Magistrate Judge’s Report shall be **ACCEPTED**.

Accordingly, for the reasons set forth in the Magistrate Judge’s Report and Recommendation, the plaintiff’s motion for summary judgment is **DENIED**.

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

Enter: this 13<sup>th</sup> day of November, 2009.

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