

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

LEONARD O. POWERS,)	
)	
Plaintiff,)	Case No. 1:09CV00055
)	
v.)	ORDER
)	
EQT PRODUCTION COMPANY, ETC.,)	By: James P. Jones
)	Chief United States District Judge
)	
Defendant.)	

The plaintiff has filed a Motion for Summary Judgment, which was referred to the magistrate judge for report and recommendations. The magistrate judge issued her report and recommendations on February 8, 2010, to which no objections have been filed. It is accordingly **ORDERED** as follows:

1. The magistrate judge’s report and recommendations are accepted;
3. The Motion for Summary Judgment (DE 39) is DENIED.

ENTER: February 23, 2010

/s/ JAMES P. JONES
Chief United States District Judge