

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

QUALITY TRUST, INC.,

Plaintiff,

Vs.

No. 04-4157-SAC

CAJUN CONTRACTORS, INC., et al,

Defendant.

MEMORANDUM AND ORDER

The court referred defendant's motion to dismiss (Dk. 61) to the United States Magistrate Judge for report and recommendation because of the nature of the motion. Essentially, defendant's motion alleges that corporate counsel failed to secure counsel, preventing any progress in pre-trial proceedings. The Magistrate Judge filed a report and recommendation denying the motion to dismiss on June 7, 2006, clearly stating the parties' right to file written objections to the recommendation within ten days. Ten days have passed and no written objections have been filed.

The court has reviewed the report and recommendation as well as the underlying pleading in this case. Based upon this review, the absence of any filed objections, the lack of prejudice to defendant, and the fact plaintiff has now

secured counsel, the court accepts the report and recommendation and adopts it as the ruling of this court, denying defendant's motion to dismiss (Dk. 61).

IT IS SO ORDERED.

Dated this 27th day of June, 2006, Topeka, Kansas.

s/ Sam A. Crow

Sam A. Crow, U.S. District Senior Judge