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17.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LEIGH SEAGER,)
)
) Plaintiff,)
)
) v.)
)
) JAMES M. WALTER PROFIT SHARING)
) PLAN, JAMES M. WALTER PENSION PLAN,)
) JAMES M. WALTER, JR., DOCTORS)
) WALTER & WHITEHOUSE PROFESSIONAL)
) ASSOCIATION (formerly known as)
) James M. Walter, Jr., D.D.S.,)
) M.S., P.A.), a North Carolina)
) corporation,)
)
) Defendants.)

1:04CV00035



ORDER

On July 29, 2004, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that defendants' motion to dismiss (docket no. 6) is granted as to defendant Doctors Walter & Whitehouse Professional Association and denied in all other respects.

[Signature]
United States District Judge

Sept 2, 2004