

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MICHAEL J. QUILLING, as Receiver  
for Sardkauer Holdings, IBC and  
Bradley C. Stark,  
Plaintiff,

v.

JOHN W. STARK, JR., ET AL.,

Defendants.

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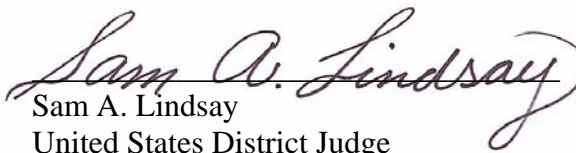
CIVIL ACTION NO. 3:05-CV-1976-L  
**ECF**

**ORDER**

Pursuant to a standing order of reference, this case was referred to United States Magistrate Judge Jeff Kaplan for pretrial management on May 18, 2006. On May 22, 2006, the magistrate judge filed his Findings and Recommendation recommending that the court deny Defendants' Motion to Dismiss Under Rules 12(b)(2), 12(b)(6), and 9(b) of the Federal Rules of Civil Procedure. No objections were filed.

After making an independent review of the pleadings, files and records in this case, and the findings and recommendation of the magistrate judge, the court concludes that the findings of the United States Magistrate Judge are correct. The findings and recommendation of the magistrate judge are hereby **accepted** by the court. Accordingly, Defendants' Motion to Dismiss Under Rules 12(b)(2), 12(b)(6), and 9(b) of the Federal Rules of Civil Procedure is **denied**.

**It is so ordered** this 19<sup>th</sup> day of June, 2006.

  
Sam A. Lindsay  
United States District Judge