



Poarch v. American General Financial Services

2007 | Cited 0 times | W.D. North Carolina | January 24, 2007

ORDER

On November 27, 2006, the magistrate judge issued a Memorandum and Recommendation (Doc. No. 15) in the present case recommending that Defendants' Motion to Dismiss ... " (Doc. No. 5) be granted-in-part and denied-in-part, that is, granted with respect to Plaintiff Poarch's Unfair and Deceptive Trade Practice Act claim, his claims for declaratory and injunctive relief, and the portion of his defamation claim that arose prior to August 23, 2005; and denied as to Poarch's Fair Credit Report Act Claim and the portion of his defamation claim that arose on or after August 23, 2005. The parties were advised that objections were to be filed in writing within ten days after service of the magistrate judge's decision. The deadline for filing objections has passed without either party filing objections in this matter. After a careful review of the Memorandum and Recommendation, the Court finds that the magistrate judge's proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the magistrate judge's recommendations.

THEREFORE, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss be GRANTED-IN-PART and DENIED-IN-PART. It shall be GRANTED with respected to Plaintiff Poarch's claims for declaratory and injunctive relief (First Cause of Action), his UDTPA claims (Third Cause of Action), and the portion of his defamation claim (Second Cause of Action) that arose prior to August 23, 2005. It shall be DENIED with respect to Poarch's Fair Credit Report Act Claim (Fourth Cause of Action) and the portion of his defamation claim (First Cause of Action) that arose on or after August 23, 2005.

