

Qualified Immunity filed October 9, 2017 (Dkt. No. 102), and City Officials' Reply to Cherry Knoll, LLC's Response to Motion to Dismiss Based on Qualified Immunity filed October 16, 2017 (Dkt. No. 105).

The motions and all related filings were referred to United States Magistrate Judge Mark Lane for findings and recommendations on December 15, 2017. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72; Loc. R. W. D. Tex. Appx. C, R. 1(c). The magistrate judge signed a report and recommendation on April 4, 2017, recommending that the court dismiss Cherry Knoll's federal claims and decline to exercise supplemental jurisdiction over the remaining claims.

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation and thereby secure *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). HDR Engineering, Inc. filed objections to the report and recommendation on April 24, 2018 (Dkt. Nos. 136). The City of Lakeway, Texas, David DeOme, Ron Massa, Steven Jones, Schwendinger Advisory Services, LLC, and Jim Schwendinger filed objections to the report and recommendation on April 24, 2018 (Dkt. No. 137). Cherry Knoll filed objections to the report and recommendation on April 24, 2018 (Dkt. No. 138).

In light of the objections, the court has undertaken a *de novo* review of the motions, responses, replies, objections, applicable law, and entire record in the cause. The court is of the

opinion that the objections do not raise any issues that were not adequately addressed in the report and recommendation. Therefore, finding no error, the court will accept and adopt the report and recommendation as filed for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that Cherry Knoll's objections to the report and recommendation are **OVERRULED**.

IT IS FURTHER ORDERED that City of Lakeway, Texas, David DeOme, Ron Massa, Steven Jones, Schwendinger Advisory Services, LLC, and Jim Schwendinger's objections to the report and recommendation are **OVERRULED**.

IT IS FURTHER ORDERED that HDR Engineering Inc.'s objections to the report and recommendation are **OVERRULED**.

IT IS FURTHER ORDERED that the report and recommendation of the magistrate judge filed April 10, 2018 (Dkt. No. 129) is **ACCEPTED AND ADOPTED** by the court.

IT IS FURTHER ORDERED that Defendant HDR Engineering, Inc.'s Motion to Dismiss Second Amended Complaint filed September 19, 2017 (Dkt. No. 89) is **GRANTED**, and Cherry Knoll's claims against HDR Engineering, Inc. are **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that City of Lakeway's Motion to Dismiss filed September 15, 2017 (Dkt. No. 90) is **GRANTED** and Cherry Knoll's claims against City of Lakeway are **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that Defendant Schwendinger Advisory Services, LLC; and Jim Schwendinger's Motion to Dismiss Second Amended Complaint filed September 27, 2017 (Dkt. No. 96) is **GRANTED** and Cherry Knoll's claims against Defendant Schwendinger Advisory Services, LLC and Jim Schwendinger are **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that City Officials' Motion to Dismiss Based on Qualified Immunity filed September 15, 2017 (Dkt. No. 91) is **GRANTED** and Cherry Knoll's claims against David DeOme, Ron Massa, and Steven Jones are **DISMISSED** without prejudice.

In light of the fact that all of Cherry Knoll's claims have been dismissed,

IT IS FURTHER ORDERED that Defendant HDR Engineering Inc.'s Motion to Exclude Testimony of Plaintiff Cherry Knoll, LLC's Expert Appraiser George Ezell filed April 25, 2018 (Dkt. No. 139) is **DISMISSED**.

IT IS FURTHER ORDERED that City Defendants' *Daubert* Motion to Exclude the Testimony of Plaintiff's Expert George "Monte" Ezell filed April 26, 2018 (Dkt. No. 140) is **DISMISSED**.

IT IS FURTHER ORDERED that Plaintiff Cherry Knoll, LLC's Unopposed Motion to Extend Time to Respond to Motions to Exclude Expert Testimony filed May 1, 2018 (Dkt. No. 142) is **DISMISSED**.

IT IS FURTHER ORDERED that Defendants' Unopposed Motion to Extend Time to Move to Exclude Expert Testimony and to Extend Time to Respond to Motions to Exclude Expert Testimony filed May 14, 2018 (Dkt. No. 145) is **DISMISSED**.

SIGNED this 16th day of May, 2018.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE