

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

RED BARN MOTORS, INC.,	)	
DONALD B. RICHARDSON,	)	
BARBARA A. RICHARDSON,	)	
	)	
Plaintiffs,	)	No. 1:14-cv-01589-TWP-DKL
	)	
vs.	)	
	)	
NEXTGEAR CAPITAL, INC. as successor-in-	)	
interest to Dealer Services Corporation,	)	
LOUISIANA'S FIRST CHOICE AUTO	)	
AUCTION, L.L.C.,	)	
	)	
Defendants.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Magistrate Judge submitted her Report and Recommendation on Defendants' motions to dismiss. The parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections; none were filed. The Court, having considered the Magistrate Judge's Report and Recommendation, hereby adopts the Magistrate Judge's Report and Recommendation. NextGear's Motion to Dismiss Pursuant to Rule 12(b)(6) for Failure to State a Claim [dkt. 10] is **DENIED** and that First Choice's Motion to Dismiss for Failure to State a Claim Upon Which Relief May be Granted, or, Alternatively, Motion to Dismiss the Individual Plaintiffs and Motion for a More Definite Statement [dkt. 12] is **DENIED**.

Date: 1/13/2016



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

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