

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Charlotte McFerren; Billie Lee Green; Augustus Bostick, Jr.; Mark Adragna; Courtney Koepf,)	C/A No. 6:18-cv-01298-DCC-KFM
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
SoBell Ridge Corp.; Katherine Snyder; Mark Corbett; Upstate Law Group; BAIC, Inc.; Andrew Gamber; Candy Kern-Fuller; Life Funding Options, Inc.; VFG, Inc.; Michelle Plant; Performance Abitage Company; Financial Products Distributors, Inc.; David Woodward;)	
)	
Defendants.)	
_____)	

This matter is before the Court on Motions to Dismiss filed by Defendants Candy Kern-Fuller and Upstate Law Group (collectively, “the Upstate Defendants”) [45]; pro se Defendant Mark Corbett¹ [52]; and Defendants Performance Arbitrage Company, Inc.; Life Funding Options, Inc.; Katharine Snyder, and Michelle Plant (collectively, “the PAC Defendants”) [78]. All responses and replies have been filed.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation (“Report”). On January 25, 2019, the Magistrate Judge issued a Report recommending that all Motions to Dismiss be denied. The Magistrate Judge advised the parties of the procedures and requirements for filing

¹At the time his Motion to Dismiss was filed, Corbett was represented by counsel.

objections to the Report and the serious consequences for failing to do so. No party has filed such objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation that the Motions to Dismiss filed by the Upstate Defendants [45]; Defendant Corbett [52]; and the PAC Defendants [78] be denied. Accordingly, the Court adopts the Report by reference in this Order. The Motions to Dismiss [45, 52, 78] are denied.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.
United States District Judge

March 5, 2019
Spartanburg, South Carolina