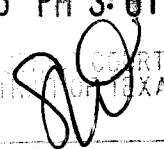


FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

2018 OCT 15 PM 3:01  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY: 

UMG RECORDINGS, INC., CAPITOL §  
RECORDS, LLC, WARNER BROS. §  
RECORDS INC., SONY MUSIC §  
ENTERTAINMENT, ARISTA §  
RECORDS LLC, ARISTA MUSIC, §  
ATLANTIC RECORDING §  
CORPORATION, CAPITOL §  
CHRISTIAN MUSIC GROUP, INC., §  
ELEKTRA ENTERTAINMENT GROUP §  
INC., FONOVISA, INC., FUELED BY §  
RAMEN LLC, LAFACE RECORDS §  
LLC, NONESUCH RECORDS INC., §  
RHINO RECORDS, INC., ROC-A- §  
FELLA RECORDS, LLC, TOOTH & §  
NAIL, LLC, ZOMBA RECORDING LLC, §  
PLAINTIFFS, §  
§  
V. §  
§  
GRANDE COMMUNICATIONS §  
NETWORKS LLC, AND PATRIOT §  
MEDIA CONSULTING, LLC, §  
DEFENDANTS. §

CAUSE NO. A-17-CV-365-LY

**ORDER ON REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the court in the above styled and numbered cause are Plaintiffs UMG Recordings, Inc.<sup>1</sup> Plaintiffs’ Motion for Leave to File Plaintiffs’ First Amended Complaint filed May 3, 2018 (Clerk’s Document No. 85), Defendant Grande Communications Networks and Non-Party Patriot Media Consulting, LLC’s Response in Opposition to Plaintiffs’ Motion for Leave to Amend filed May 17, 2018 (Clerk’s Document No. 91), and UMG Recordings Reply in Support of Plaintiffs’

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<sup>1</sup> As the Plaintiffs’ interests in this action do not diverge, for convenience the court refers to the Plaintiffs collectively as “UMG Recordings.”

Motion for Leave to Amend Complaint to Allege Facts Based on Newly Discovered Evidence filed May 24, 2018 (Clerk's Document No. 93). These matters were referred to a United States Magistrate Judge on May 22, 2018, for a report and recommendation. *See* 28 U.S.C. § 636(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 September 20, 2018 (Clerk's Document No. 185), recommending that this court deny UMG Recordings' motion.

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). The record reflects that the parties received the report and recommendation on September 20, 2018, and objections if any, were due to be filed on or before October 4, 2018. UMG Recordings filed objections on October 4, 2018 (Clerk's Document No. 206).

In light of the objections, the court has undertaken a *de novo* review of the entire case file. Having considered the motions, responses, replies, objections, the case file, and the applicable law, the court will accept and adopt the report and recommendation for substantially the reasons stated therein.

**IT IS ORDERED** that UMG Recordings' objections to the report and recommendation filed October 4, 2018 (Clerk's Document No. 206) are **OVERRULED**.

**IT IS FURTHER ORDERED** that for substantially the reasons stated therein the Report and Recommendation of the United States Magistrate Judge (Clerk's Document No. 185) is **ACCEPTED AND ADOPTED** by the court.

**IT IS FURTHER ORDERED** that UMG Recordings's Plaintiffs' Motion for Leave to File Plaintiffs' First Amended Complaint filed May 3, 2018 (Clerk's Document No. 85) is **DENIED**.

**IT IS FURTHER ORDERED** that the related UMG Recordings's Plaintiffs' Motion for Leave to File Certain Exhibits to Plaintiffs' First Amended Complaint Under Seal filed May 3, 2018 (Clerk's Document No. 86) is **DISMISSED**.

SIGNED this 15<sup>th</sup> day of October, 2018.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE