

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

HEBBRONVILLE LONE STAR
RENTALS, LLC, et al.,

Plaintiffs,

v.

SUNBELT RENTALS INDUSTRIAL
SERVICES, LLC,

Defendant.

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1:16-cv-856-RP

ORDER ON REPORT AND RECOMMENDATION

Before the Court is Plaintiffs' Motion for Vacatur, filed September 23, 2016. (Dkt. 8). The motion was referred to United States Magistrate Judge Andrew Austin for findings and recommendations pursuant to 28 U.S.C. § 636(b), Federal Rule of Civil Procedure 72, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. (Dkt. 14). On March 15, 2017, the Magistrate Judge entered his Report and Recommendation, recommending that this Court grant Plaintiffs' motion. Specifically, the Magistrate Judge recommended that this Court vacate the portion of the arbitration award reforming the asset purchase agreement between the parties on the basis of mutual mistake.

Defendant timely filed his objections to the Report and Recommendation on March 29, 2017, (Dkt. 18), to which Plaintiffs filed a response on April 12, 2017, (Dkt. 19).

In light of Defendant's objections, the Court has undertaken a de novo review of this matter. The Court concludes that Defendant's objections do not raise any additional arguments that have not been considered by the Magistrate Judge in his Report and Recommendation. The Court, having reviewed the Magistrate Judge's findings and conclusions, finds no error, and therefore accepts and adopts the Report and Recommendation for the reasons stated therein.

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Vacatur, filed September 23, 2016, (Dkt. 8), is hereby **GRANTED**, consistent with the findings and recommendations of the Magistrate Judge.

IT IS FURTHER ORDERED that the parties shall file a joint proposed scheduling order **on or before July 14, 2017.**

SIGNED on June 27, 2017.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE