

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FUNERAL CONSUMERS ALLIANCE INC,	§	
<i>et al,</i>	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. H-05-3394
	§	
SERVICE CORPORATION	§	
INTERNATIONAL, <i>et al,</i>	§	
	§	
Defendants.	§	

ORDER DENYING CLASS CERTIFICATION

Pending before the Court are the plaintiffs' objections to the magistrate judge's Memorandum and Recommendation on class certification. *See* Docket No. 666. The plaintiffs challenge certain findings and recommendations in the Memorandum and Recommendation entered by the magistrate judge on November 24, 2008, recommending that the motion for class certification be denied. *See* Docket No. 657. The defendants have filed a response to the plaintiffs' objections. *See* Docket No. 679.

The Court has reviewed the plaintiffs' objections, the defendants' response to the plaintiffs' objections, as well as made a *de novo* review of the Memorandum and Recommendation and specified findings or recommendations to which objection is made and has otherwise reviewed the Memorandum for plain error. *See* Fed. R. Civ. P. 72(b)(3) ("The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to."); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b) advisory committee's note (1983); *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc) (unobjected-to proposed factual findings and legal conclusions accepted by the district court

reviewed for "plain error"). The Court finds that the Memorandum and Recommendation should be adopted as this Court's Memorandum and Order. It is, therefore,

ORDERED that the plaintiff's objections to the magistrate judge's Memorandum and Recommendation are DENIED. It is further

ORDERED that the Memorandum and Recommendation is ADOPTED as the Court's Memorandum and Order. Finally, it is

ORDERED that the plaintiffs' motion for class certification and the plaintiffs' supplemental motion for class certification (Docket Nos. 70 and 71) are DENIED.

SIGNED and ENTERED this 26th day of March, 2009.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge