

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INTEGRATED TECHNOLOGICAL
SYSTEMS, INC.,

Plaintiff,

v.

FIRST INTERNET BANK OF INDIANA,

Defendant.

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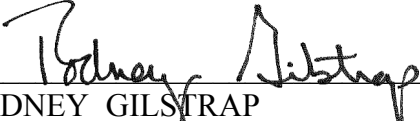
Case No. 2:16-CV-00417-JRG-RSP

ORDER ADOPTING REPORT AND RECOMMENDATION AND ENTERING JUDGMENT

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne on January 30, 2017, Dkt. No. 51, recommending that First Internet Bank of Indiana’s (“FIB”) motion to dismiss for failure to state a claim, Dkt. No. 26, be granted. Having considered the objections filed by Integrated Technological Systems, Inc. (“ITS”), and finding those objections to be without sufficient merit, the Recommendation is **ADOPTED**.

IT IS ORDERED AND ADJUDGED that FIB’s motion to dismiss, Dkt. No. 26, is hereby **GRANTED**. ITS’s complaint is **DISMISSED**. All pending motions are not previously addressed by the Court are **DENIED**. This is a final judgment and the Clerk is **ORDERED** to close this case.

So ORDERED and SIGNED this 14th day of February, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE