

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

BROOK + WHITTLE LTD,

Plaintiff,

v.

NESTLE USA, INC. and FUJI SEAL
INTERNATIONAL, INC.,

Defendants.

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CASE NO. 2:24-CV-00735-JRG-RSP

ORDER

Nestle USA, Inc. (“Nestle”) previously filed a Motion to Dismiss for Improper Venue Pursuant to Federal Rule of Civil Procedure 12(b)(3) (“Motion to Dismiss”) (Dkt. No. 18). Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 80), recommending denial of Nestle’s Motion to Dismiss. Nestle has now filed Objections. (Dkt. No. 84).

After conducting a *de novo* review of the briefing on the Motion to Dismiss, the Report and Recommendation, and the briefing on Nestle’s Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Nestle’s Objections and **ADOPTS** the Report and Recommendation and **ORDERS** that the Motion to Dismiss (Dkt. No. 18) is **DENIED**.

So Ordered this

Sep 5, 2025



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

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