

2. The statement of objections filed by defendant Cargill, Incorporated, (filing [16](#)) is denied.
3. The plaintiff's motion to remand (filing [6](#)) is granted, and this case is remanded to the District Court of Howard County, Nebraska, for lack of diversity jurisdiction.
4. The Clerk of the United States District Court for the District of Nebraska shall mail a certified copy of this order to the District Court of Howard County, Nebraska, and may take any other action necessary to effectuate the remand.
5. Because the court did not consider additional evidentiary materials in resolving the objection to the magistrate judge's findings and recommendation, the plaintiff's motion for leave to submit evidence (filing [18](#)) is denied as moot.
6. The motion to dismiss (filing [4](#)) filed by defendant Cargill, Incorporated, is denied as moot.
7. Final judgment will be entered by separate document.

DATED this 12th day of July, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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