

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

NUE CHEER FRANKLIN, as)
Administratrix of the Estate of Elnoria)
Franklin, et al.,)
)
Plaintiffs,)
)
v.)
)
GARDEN STATE LIFE INSURANCE)
et al.,)
)
Defendants.)

CASE NO. 2:10-cv-123-MHT
[wo]

ORDER

On April 15, 2010, the magistrate judge issued a report and recommendation to which no timely objections were made. Upon an independent and de novo review of the record and upon consideration of the recommendation of the magistrate judge, it is the ORDER, JUDGMENT and DECREE that:

- (1) The report and recommendation of the magistrate judge (Doc. 37) is adopted.
- (2) Plaintiffs’ motion to amend complaint (Doc. 12) is granted.
- (3) Defendant American National Insurance Company’s motion to dismiss (Doc. 13), defendant Peggy Chinn’s motion to dismiss (Doc. 15), defendant American National Insurance Company’s amended motion to dismiss (Doc. 23), and defendant Peggy Chinn’s amended motion to dismiss (Doc. 25) are granted.

(4) Plaintiffs' motion to strike order (Doc. 28) is denied.

(5) Any other outstanding motions are denied as moot.

DONE, this the 30th day of April, 2010.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE