

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

DEBRA SKANE,)
)
Plaintiff,)
)
v.) CASE NO. 2:15-CV-134-WKW
)
FEDEX, *et al.*,)
)
Defendants.)

ORDER

On January 12, 2016, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 37.) Upon an independent review of the file and upon consideration of the Recommendation, it is ORDERED that

- (1) The Recommendation is ADOPTED;
- (2) The motion for summary judgment filed by Defendant Federal Express Corporation (Doc. # 29) is GRANTED;
- (3) The motion for summary judgment filed by Defendant FedEx Ground (Doc. # 31) is GRANTED in part as to Plaintiff's state law claims, as these claims are preempted by the Carmack Amendment, 49 U.S.C. § 14706;

(4) This matter is referred back to the Magistrate Judge for further proceedings, including a recommended disposition on FedEx Ground's motion for summary judgment (Doc. # 31) as to Plaintiff's Carmack Amendment claim.

It is further ORDERED that:

(1) FedEx Ground's motion to amend/correct an exhibit used in support of its motion for summary judgment (Doc. # 38) is GRANTED and that Defendant may file the evidence **on or before February 3, 2016**; and

(2) Plaintiff may file a brief and evidence in response to the new evidence **on or before February 12, 2016**.¹

DONE this 29th day of January, 2016.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE

¹ Plaintiff should refer to the Magistrate Judge's order of October 15, 2015 (Doc. # 35), for guidance about responding to a motion for summary judgment.