

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

DANIEL POSEY, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HYUNDAI MOTOR )  
 MANUFACTURING ALABAMA, )  
 )  
 Defendant. )

CASE NO. 2:15-CV-787-WKW

**ORDER**

On March 11, 2016, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 36.) Upon an independent review of the file and upon consideration of the Recommendation, it is ORDERED that

- (1) The Recommendation is ADOPTED;
- (2) Defendant The Hartford’s Motion to Dismiss (Doc. # 17) is DENIED as moot because Plaintiff voluntarily dismissed all of his claims against The Hartford pursuant to Rule 41(a)(1)(A)(i);
- (3) Defendant Hartford is DISMISSED as a defendant in this cause of action based on Plaintiff’s Notice of Voluntary Dismissal (Doc. # 31);

(4) Defendant Hyundai's Preliminary Motion to Strike Plaintiff's Class Allegations (Doc. # 21) and Motion for Partial Judgment on the Pleadings (Doc. # 20) are DENIED as moot;

(5) The claims against Defendant Hyundai omitted from the amended complaint, including Plaintiff's class claims under the FMLA, ADA, and state law and Plaintiff's individual claims under the FMLA and state law are DISMISSED without prejudice; and

(6) This case is referred back to the Magistrate Judge for further proceedings  
DONE this 4th day of April, 2016.

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