

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

ANNETTE B. KELLY,)
)
Plaintiff,)
) CIVIL ACTION NO.
v.) 2:24cv701-MHT
) (WO)
ALFA MUTUAL INSURANCE, DBA)
Alfa Mutual Insurance)
Company, et al.,)
)
Defendants.)

OPINION AND ORDER

Plaintiff filed this case against six different defendants alleging a variety of claims, ranging from environmental and toxic torts, to breach of fiduciary duty, to unjust enrichment from human trafficking, to financial extortion of elderly and disabled persons. Plaintiff has succeeded in properly serving only three of the defendants. This case is now before the court on the recommendation of the United States Magistrate Judge (1) that the served defendants' motion to dismiss or, in the alternative, for summary judgment (Doc. 10)

be granted and the complaint dismissed because it is a shotgun pleading; (2) as to the three defendants who have not been properly served, that the complaint be dismissed sua sponte on shotgun-pleading grounds, *see* Recommendation (Doc. 28) at 7, n.3; and (3) that plaintiff's motion for default judgment or, in the alternative, for summary judgment (Doc. 13) be summarily denied. There are no objections to the recommendation. Upon an independent and *de novo* review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

Accordingly, it is ORDERED that:

- (1) The United States Magistrate Judge's recommendation (Doc. 28) is adopted.
- (2) The motion to dismiss or, in the alternative, for summary judgment (Doc. 10) is granted to the extent that the complaint is to be dismissed as a shotgun pleading.

(3) The complaint is dismissed without prejudice as a shotgun pleading as to all defendants.

(4) Plaintiff's motion for default judgment or, in the alternative, for summary judgment (Doc. 13) is denied.

This case is not closed, and is referred back to the United States Magistrate Judge for further appropriate proceedings, including consideration of the additional motions filed after entry of the recommendation.

DONE, this the 7th day of April, 2025.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE