

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**SLEP-TONE ENTERTAINMENT)
CORPORATION,)**

Plaintiff,)

v.)

MIKE SHELL, et al.,)

Defendants.)

Case No. 2:11-cv-03409-RDP

MEMORANDUM OPINION

On July 29, 2014, the Magistrate Judge's Report and Recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. On August 12, 2014, Defendant Jo-Robb, LLC, filed objections to the Magistrate Judge's Report and Recommendation.

After careful consideration of the record in this case, the Magistrate Judge's Report and Recommendation and the objections thereto, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the recommendations of the Magistrate Judge that Plaintiff's claims against Defendants Andrew Bates, Lynn Bates, Johnny Drummonds, Sherry Ehley, Phil Harris, Gary Jackson, Michael Leonard, Matthew Shaw, Chance Smith, Dry Riders L.L.C., and LT, LLC, be dismissed without prejudice. However, the court **REJECTS** the

recommendation of the Magistrate Judge that this action proceed against Jo-Robb, LLC, as the sole Defendant.

In the Memorandum Opinion entered in this action on October 8, 2013 (Doc. 61), the court stated that before it would entertain a new, separate action against Defendant Jo-Rob, LLC, Plaintiff must file a new complaint and pay the accompanying filing fee, on the basis of improper joinder. Plaintiff failed to file a new complaint against Jo-Rob, LLC. Therefore, the remaining claims in this action by Plaintiff against Jo-Robb, LLC, are due to be dismissed without prejudice.

A separate order in conformity with this Memorandum Opinion will be entered contemporaneously herewith.

DONE and **ORDERED** this 18th day of August, 2014.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE