

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOHN A. HUDGENS,)
)
 Plaintiff)
)
 vs.)
)
 CHRYSLER GROUP, LLC,)
 and HEWITT ASSOCIATES, LLC,)
)
 Defendants)

Case No. 2:12-cv-00993-HGD

MEMORANDUM OPINION

On August 16, 2013, 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. No objections have been filed by plaintiff or defendants.

After careful consideration of the record in this case and the magistrate judge’s report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge that:

(1) the motions to dismiss filed by defendants be GRANTED as to Count One of plaintiff’s First Amended Complaint and that Count One be DISMISSED WITH PREJUDICE for failing to state a claim for which relief can be granted pursuant to

Fed.R.Civ.P. 12(b)(6) to the extent that it purports to set out a claim under 29 U.S.C. § 1132(a)(3);

(2) the motions to dismiss filed by defendants be GRANTED as to Counts Four and Five of plaintiff's First Amended Complaint and that Counts Four and Five be DISMISSED WITH PREJUDICE for failing to state a claim for which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6); and

(3) the motions to dismiss Count Three of plaintiff's First Amended Complaint be DENIED.

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

DONE this 10th day of September, 2013.


ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE