

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

ROBERT L. WIGGINS, JR., et al.,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	Case No.: 2:12-cv-02705-SGC
	}	
FDIC, as Receiver of Superior Bank, et al.,	}	
	}	
Defendants.	}	


MEMORANDUM OPINION

On December 20, 2016, 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. The parties have since filed their objections to the Report and Recommendation, which are fully briefed. (Docs. # 168, 169, 170, 171 175, 176, 177).

After careful consideration of the record in this case, the Magistrate Judge’s Report and Recommendation, and Petitioner’s objections thereto, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the recommendations of the Magistrate Judge that counterclaim Defendant Peacock’s Motion to Dismiss (Doc. # 117) be **GRANTED IN PART** and **DENIED IN PART**. The court also **ACCEPTS** the recommendations of the Magistrate Judge that Plaintiffs’ Motion to Dismiss (Doc. # 118) be **GRANTED IN PART** and **DENIED IN PART**.

A separate order in accordance with the Memorandum Opinion will be entered.

DONE and **ORDERED** this February 14, 2017.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE