Leggett v. Massey et al Doc. 36

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JANET LANIS LEGGETT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION NO. 08-0401-KD-C**
	)	
UNITED STATES OF AMERICA, *et al.*,	)	
	)	
Defendants.	)	

ORDER

This matter is before the Court on the Report and Recommendation entered by Magistrate Judge William E. Cassady on January 15, 2009 (doc. 24). No objections were filed in response to the report and recommendation. The Court ADOPTS the report and recommendation as the opinion of the court **with the following changes:**

(1) Page 2 - following the statement "In her new suit, Plaintiff failed to name Clarke County, Alabama as a defendant, but did name her own insurance company (State Farm) as such[,]" the following footnote is inserted:

> The United States claims that Clarke County, Alabama is a necessary party to this litigation on the grounds, in sum, that Bugle Road, the roadway where the accident made the basis of the litigation occurred is owned by Clark County and thus, that entity is legally responsible for designing, constructing and maintaining its roadways in a safe condition. (See Doc. 16)

(2) Page 6 - the phrase "Singleton controls here" is REPLACED with the phrase "the rationale of Singleton is persuasive."

Pursuant to the recommendation of the Magistrate Judge, the defendant, State Farm Insurance Company's motion to dismiss is GRANTED and plaintiff's claims against State Farm

Dockets.Justia.com

are DISMISSED WITH PREJUDICE.

DONE this the 3rd day of March 2009.

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE