

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

CHIROPARTNERS, INC., :

Plaintiff, :

v. : **CIVIL ACTION NO. 12-0223-CG-C**

STEVEN W. GRAVELY and JANE V. GRAVELY, :

Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 24, 2012 is **ADOPTED** as the opinion of this Court.

Accordingly, the motion to dismiss the first amended complaint (Doc. 20) be and the same hereby is **GRANTED**, and as such, the first amended complaint (Doc. 19) is **DISMISSED WITHOUT PREJUDICE** to allow the plaintiff to add Dr. Beth Scherer, a co-owner of the Mark and, therefore, an indispensable party under Rule 19, as either a voluntary plaintiff or a defendant.

The plaintiff is granted leave to file its amended complaint **on or before September 24, 2012**. The defendants' answer shall be filed within fourteen (14) days of receipt of the amended complaint.

DONE and ORDERED this 13th day of September, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE