

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

STATE FARM FIRE AND	)	
CASUALTY CO.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 12-00358-KD-N
	)	
RICHMOND TRIPP JOHNSON, III,	)	
and FORREST A. BUTTS,	)	
	)	
Defendants.	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 8, 2012, is **ADOPTED** as the opinion of this Court and it is **ORDERED** that the defendants' respective motions to dismiss (docs. 5 and 6) this declaratory judgment action be **DENIED** and that the motion for attorney's fees filed by Defendant Richmond Tripp Johnson, III, be **DENIED**.

**DONE** this 20th day of December, 2012.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**