

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