

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

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|----------------------------------|---|--------------------------------|
| OMNI HEALTH AND FITNESS | : | |
| OF MOBILE, LLC, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| VS. | : | CIVIL ACTION NO. 12-00407-CG-B |
| | : | |
| HOYT STEPHENSON, <u>et al.</u> , | : | |

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 Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that defendant Stephenson’s motion to strike (Doc. 26) is **DENIED**, plaintiff’s motion to strike (Doc. 59) is **DENIED**, defendant Stephenson’s motion to re-align the parties (Doc. 3) is **DENIED**, and plaintiff’s motion to remand (Doc. 30) is **GRANTED**. Therefore, this action is hereby **REMANDED** to the Circuit Court of Mobile County, Alabama.

DONE and ORDERED this 1st day of November, 2012.

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