

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

ESTATE OF CHARLES WASDEN, by and)	
through Executrix Myrtlean Wasden, and)	
MYRTLEAN WASDEN, individually,)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION NO. 13-0002-KD-B
)	
CITIZENS COMMUNICATIONS, et al.,)	
)	
Defendants.)	

ORDER

This action is before the Court on the amended Report and Recommendation entered by the Magistrate Judge on March 17, 2014 (doc. 121), the objection and brief in support filed by Plaintiffs Estate of Charles Wasden by and through Executrix Myrtlean Wasden and Myrtlean Wasden individually (docs. 130, 131, as amended, doc. 137), the response to the objection filed by Defendant The Prudential Insurance Company of America (doc. 139), and the response to the objection filed by Defendants Principal Life Insurance Company and Principal Financial Group (Doc. 141).

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and a *de novo* determination of those portions of the Report and Recommendation to which objections are made, 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.¹

Accordingly, Defendant The Prudential Insurance Company of America's motion to dismiss

¹ The third sentence on page fifteen of the amended Report and Recommendation is revised as follows: The undersigned finds that regardless of whether the \$90,000 policy is classified as a pension benefit or an employee welfare benefit, Wasden has not established any basis for liability against either Prudential or [Principal]." (Doc. 121, p. 15)

(Doc. 92) is GRANTED and Defendants Principal Financial Group and Principal Life Insurance Company's motion to dismiss (Doc. 99) is GRANTED and this action is DISMISSED as to these Defendants for failure to state a claim.

Done and ordered this the 11th day of April 2014.

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