

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

KOWANA JACKSON,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 13-00639-KD-M
)	
HALCYON REHABILITATION, LLC,)	
Defendant.)	

ORDER

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the Report and Recommendation (Doc. 34) to which objection (Doc. 35) is made, the Report and Recommendation (Doc. 34) of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED in part** as the opinion of this Court, as follows:

- The Court adopts in full the reasoning set forth in pages 1-6 and adopts page 7 through the paragraph ending with “wherein Jackson’s job responsibilities had to be modified so that she could perform them.” The Court declines to adopt the remainder of the Report and Recommendation.
- The Court adopts the recommendation that the pending Motion to Dismiss (Doc. 18) be denied.
- The Court declines to adopt the recommendation that the Motion to Strike (Doc. 23) be granted.

Accordingly, it is **ORDERED** that Defendant’s Motion to Dismiss Count Two of Plaintiff’s Amended Complaint (Doc. 18) is **DENIED**. Plaintiff’s Motion to Strike (Doc. 23) is **MOOT**.

DONE and **ORDERED** this the 9th day of **May 2014**.

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