

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

PROGRESSIVE SPECIALTY	:	
INSURANCE COMPANY,	:	
	:	
Petitioner,	:	
	:	
vs.	:	CA 14-00320-KD-C
	:	
BOBBY SMITH and SHELIA SMITH,	:	
	:	
Respondents.	:	

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 21, 2014 is **ADOPTED** as the opinion of this Court. Progressive 's Specialty Insurance Company's Rule 12(b)(1) motion to dismiss counterclaim (Doc. 18) is **DENIED**.

DONE this 17th day of December 2014.

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