

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

BERNICE P. JOHNSON,
Plaintiff,
vs.
DIRT CHEAP, LLC, et al.,
Defendants.
CA 15-00093-CG-C

ORDER

After due and proper consideration of all issues raised, and a de novo determination of those portions of the recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 13, 2015 is ADOPTED as the opinion of this Court, with the exception as noted in Defendants' Objection to Recommendation Report (Doc. 21).

The Background portion of the Report and Recommendation, sentence four in the first paragraph on page two of the recommendation, is corrected to read as follows:

"The Plaintiff contends that the Defendants, acting through their agents or employees, allegedly permitted, allowed, or created the dangerous condition, had actual or constructive knowledge of the dangerous condition, and failed to exercise reasonable care regarding the object's presence in the aisle. (Id. at 17-18)."

Accordingly, Defendants' Motions to Strike (Doc. 16) is DENIED as MOOT, Plaintiff's Motion to Amend and Remand (Doc. 18) is GRANTED, and this matter

is **REMANDED** to the Circuit Court of Clarke County, Alabama for further proceedings.

DONE and ORDERED this 11th day of January, 2016.

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