

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

CASSANDRA SHEARS,)
)
Plaintiff,)
)
v.)
) CIVIL ACTION NO. 19-00161-JB-N
SYMETRA LIFE INSURANCE COMPANY,)
)
Defendant.)

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 21) made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated September 13, 2019, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the Defendant's Motion to Dismiss and to Strike (Doc. 2) is **GRANTED in part** and **DENIED in part**, as follows:

1. the Federal Rule of Civil Procedure 12(b)(6) motion to dismiss is **GRANTED** as to Counts 1 and 2 of the operative complaint, and is otherwise **DENIED**; and
2. the Federal Rule of Civil Procedure 12(f) motion to strike is **GRANTED** to the extent the Plaintiff's jury demand requests a jury trial on any issue related to Count 3, and is otherwise **DENIED as MOOT** due to the dismissal of all other claims.

DONE and ORDERED this 10th day of October, 2019.

/s/ JEFFREY U. BEAVERSTOCK
UNITED STATES DISTRICT JUDGE