

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

JOHNNIE MAE SAWYER, as daughter)	
and Administrator of the Estate)	
of Arthur Waters, Deceased,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:12-0020-KD-M
)	
SYLVIA COLLINS, BOBBY SANDERS,)	
and JAMES HOOD,)	
)	
Defendants.)	

ORDER

The Report and Recommendation dated November 2, 2012 (doc. 61) is now before the Court upon the decision by the Supreme Court of Alabama to decline to answer the certified question (doc. 101). *See Price v. Time, Inc.*, 416 F. 3d 1327, 1334 (11th Cir. 2005) (The Supreme Court of Alabama declined to answer the certified question and that decision “left the district court with no choice but to answer the state law question itself[.]”).

Therefore, after due and proper consideration of all pleadings in this file, 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) is adopted as the opinion of this Court. Accordingly, defendants’ Sylvia Collins and Bobby Sanders motion to dismiss the common law negligence claims against them (doc. 40; doc. 41, pp. 11-12; doc. 56; doc. 57) is DENIED.

DONE this 5th day of June 2013.

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