

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

BIGGE CRANE AND RIGGING CO.,

Plaintiff,

v.

Case No: 6:13-cv-1356-Orl-22DAB

**SIEMENS ENERGY, INC., ENERGENCY
OPERATIONS, INC. and ENERGENCY
ARKANSAS, INC.,**

Defendants.

ORDER

This cause is before the Court on the Report and Recommendation addressing the motions pending before this Court (Doc. Nos. 40, 41, 42, and 49).

The United States Magistrate Judge has submitted a report recommending that the claims against Siemens Energy, Inc. be dismissed without prejudice and the action be transferred to the United States District Court, Eastern District of Arkansas, Western Division.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:


1. The Report and Recommendation filed April 23, 2014 (Doc. No. 71), is ADOPTED and CONFIRMED and made a part of this Order.
2. The claim against Siemens Energy, Inc. is DISMISSED without prejudice. Defendant Siemens Energy, Inc.'s Motion to Dismiss or Stay the Master Services Agreement Claims (Doc. No. 40), and Agreed Motion to Compel Arbitration and Dismiss Claims Against Siemens Under Rule 12(b)(1) (Doc. No. 41) are DENIED without prejudice.

3. This case is hereby TRANSFERRED to the United States District Court, Eastern District of Arkansas, Western Division.

4. Separate Defendants Entergy Arkansas, Inc.'s and Entergy Operations, Inc.'s Motion to Dismiss Amended Complaint (Doc. No. 42), and Plaintiff Bigge Crane and Rigging Co.'s Motion to Compel Arbitration (Doc. No. 49), are DENIED without prejudice to consideration by the United States District Court in Arkansas.

5. The Clerk is directed to CLOSE the file.

DONE and **ORDERED** in Orlando, Florida on May 13, 2014.


ANNE C. CONWAY
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties