

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

**TEAMCARE PHARMACY SERVICES, INC.
and TEAMCARE INFUSION ORLANDO,
INC.,**

Plaintiffs,

v.

Case No: 6:13-cv-844-Orl-36TBS

WALGREEN CO.,

Defendant.

ORDER

This cause comes before the Court on the Report and Recommendation of Magistrate Judge Thomas B. Smith (Doc. 15). In the Report and Recommendation, Magistrate Judge Smith recommends that Plaintiffs Teamcare Pharmacy Services, Inc. and Teamcare Infusion Orlando, Inc.'s ("Plaintiffs") Motion to Remand ("Motion to Remand") (Doc. 8) be granted and that the case be remanded to the Circuit Court of the Eighteenth Judicial Circuit in and for Seminole County, Florida. *See* Doc. 15, p. 4. No party has objected to the Report and Recommendation and the time to do so has expired.

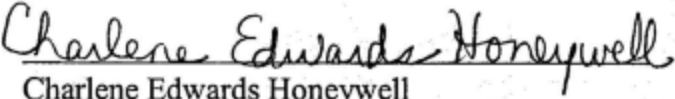
The Court is in agreement with the Magistrate Judge that Defendant Walgreen Co. has failed to meet its burden of proving, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000. *See id.* As such, this case must be remanded for lack of subject matter jurisdiction. *See Leonard v. Enter. Rent a Car*, 279 F.3d 967, 972 (11th Cir. 2002). Therefore, after careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the

opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED** and **ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 15) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
2. Plaintiff's Motion to Remand (Doc. 8) is **GRANTED**.
3. This case is **REMANDED** to the Circuit Court of the Eighteenth Judicial Circuit in and for Seminole County, Florida.
4. The Clerk is directed to transmit a certified copy of this Order to the Clerk of the Circuit Court of the Eighteenth Judicial Circuit in and for Seminole County, Florida. The Clerk is further directed to **CLOSE** this case and terminate all previously scheduled deadlines.

DONE and **ORDERED** in Orlando, Florida on July 23, 2013.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties
United States Magistrate Judge Thomas B. Smith