

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

ROBERT KIM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:14-CV-312 JD
	)	
CELLO PARTNERSHIP d/b/a	)	
VERIZON WIRELESS,	)	
	)	
Defendant and Third-Party	)	
Plaintiff,	)	
	)	
v.	)	
	)	
TOSHA TARTER	)	
	)	
Third-Party Defendant.	)	

**ORDER**

On October 7, 2014, Robert Kim filed a complaint against Cellco Partnership, d/b/a Verizon Wireless (“Verizon”) alleging violations of the Telephone Consumer Protection Act. [DE 1]. Verizon then filed a third-party complaint against Tosha Tarter, alleging that she provided the phone number at which Kim received the calls underlying his complaint, and that as part of her service agreement she had agreed to be called at that number. The third-party complaint asserts claims against Tarter for common law indemnification and for breach of contract. [DE 12]. Tarter moved to dismiss both counts of the third-party complaint for failure to state a claim. [DE 26]. Upon a referral, Magistrate Judge Susan Collins issued a Report and Recommendation in which she recommends that the motion to dismiss be granted as to the indemnification count but denied as to the breach of contract count.

Pursuant to 28 U.S.C. § 636(b)(1)(B), a court may refer a dispositive motion to a magistrate judge for preparation of a report and recommendation. Once the magistrate judge files

