

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

PNC BANK, NATIONAL ASSOCIATION, )  
f/k/a NATIONAL CITY BANK, )  
SUCCESSOR TRUSTEE OF TRUST #972 )  
DATED MARCH 10, 1960, )  
Plaintiff, )

v. )

CAUSE NO. 2:13-CV-374-JVB-JEM

UNITED STATES ARMY CORPS OF )  
ENGINEERS, LITTLE CALUMET RIVER )  
BASIN DEVELOPMENT COMMISSION )  
and WALSH CONSTRUCTION )  
COMPANY, )  
Defendants, )

\_\_\_\_\_)  
LITTLE CALUMET RIVER BASIN )  
DEVELOPMENT COMMISSION, )  
Cross-Claimant, )

v. )

UNITED STATES ARMY CORPS OF )  
ENGINEERS and WALSH )  
CONSTRUCTION COMPANY, )  
Cross-Defendants. )

**ORDER**

The Court referred to Magistrate Judge John Martin two of Defendant Walsh Construction Company’s motions: motion to dismiss for lack of jurisdiction (DE 24) and motion to dismiss (DE 33). On February 4, 2015, Judge Martin issued his report and recommendation, advising the parties at the same time that they had fourteen days to file any objections with this Court. To date, no objections have been filed.

Accordingly, the Court accepts and adopts Judge Martin’s recommendations and—

- dismisses Count III and Count IV of the Complaint as to Defendant Walsh Construction Company;
- dismisses without prejudice Count V of the Complaint as to Defendant Walsh Construction Company; and
- dismiss the Cross-Claim of Cross-Claimant Little Calumet River Basin Development Commission as to Cross-Defendant Walsh Construction Company.

SO ORDERED on March 2, 2015.

S/ Joseph S. Van Bokkelen  
JOSEPH S. VAN BOKKELEN  
UNITED STATES DISTRICT JUDGE