

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

JOSEPH HIPPS Individually and on Behalf of All )  
Others Similarly Situated, )  
 )  
Plaintiff, )  
 )  
v. )

No. 1:18-cv-00349-TWP-TAB

BIGLARI HOLDINGS, INC., )  
SARDAR BIGLARI, )  
PHILIP L. COOLEY, )  
KENNETH R. COOPER, )  
JAMES P. MASTRIAN, )  
RUTH J. PERSON, )  
NBHSA INC., )  
BH MERGER COMPANY, )  
 )  
Defendants. )

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Magistrate Judge submitted his Report and Recommendation on Plaintiff’s Motion for Remand (dkt. 57). The parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections. On April 12, 2018, parties filed a Consent to Remand and Withdrawal of Pending Motions (dkt. 65). The Court, having considered the Magistrate Judge’s Report and Recommendation and the parties’ consent, hereby adopts the Magistrate Judge’s Report and Recommendation. All pending motions in this matter are **DENIED** as **MOOT**, and this case is remanded to Hamilton County Superior Court 1.

Date: 4/13/2018



TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

NBHSA INC.  
c/o Corporation Service Company, Registered Agent  
135 N. Pennsylvania Street  
Suite 1610  
Indianapolis, IN 46204

BH MERGER COMPANY  
c/o Corporation Service Company, Registered Agent  
135 N. Pennsylvania Street  
Suite 1610  
Indianapolis, IN 46204

J. Daniel Albert  
KESSLER TOPAZ MELTER & CHECK, LLP  
dalbert@ktmc.com

William J. Barkimer  
KRIEG DEVAULT LLP  
wbarkimer@kdlegal.com

Michael E. Bern  
LATHAM & WATKINS LLP  
michael.bern@lw.com

Brad A. Catlin  
PRICE WAICUKAUSKI JOVEN & CAITLIN, LLC  
bcatlin@price-law.com

Christopher J. Clark  
LATHAM & WATKINS LLP  
chris.clark@lw.com

Jeremy Friedman  
FRIEDMAN OSTER & TEJTEL PLLC  
jfriedman@fotpllc.com

Scott Stuart Morrisson  
KRIEG DEVAULT LLP  
smorrisson@kdlegal.com

Spencer Oster  
FRIEDMAN OSTER & TEJTEL PLLC  
soster@fotpllc.com

Justin O. Reliford  
KESSLER TOPAZ MELTER & CHECK, LLP  
jreliford@ktmc.com

David F.E. Tejtzel  
FRIEDMAN OSTER & TEJTEL PLLC  
dtejtzel@fotpllc.com

Christopher M. Windover  
KESSLER TOPAZ MELTER & CHECK, LLP  
cwindover@ktmc.com

J. Christian Word  
LATHAM & WATKINS, LLP  
christian.word@lw.com

Eric L. Zagar  
SCHIFFRIN & BARROWAY, LLP  
ezagar@ktmc.com

Hamilton County Clerk's Office  
1 Hamilton County Square  
Suite 106  
Noblesville, IN 46060