

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPHINE PITTMAN,

Plaintiff,

v.

ZOAR OUTDOOR ADVENTURE RESORT,
INC.,

Defendant.

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Civil Action No. 16-30182-MGM

MEMORANDUM AND ORDER RE: REPORT AND
RECOMMENDATION REGARDING PLAINTIFF'S
MOTION TO DISMISS COUNTERCLAIM FOR
IMPROPER VENUE
(Dkt. Nos. 11 and 36)

July 11, 2017

MASTROIANNI, U.S.D.J.

Magistrate Judge Katherine A. Robertson has recommended the court deny Plaintiff's Motion to Dismiss Counterclaim for Improper Venue (Dkt. No. 11). In short, Judge Robertson concluded the forum selection clause does not apply to Defendant's counterclaim, and because Plaintiff's claims (which were properly removed to this court) and Defendant's counterclaim involve a common nucleus of operative facts, they should be adjudicated together in this court. The Report and Recommendation notified Plaintiff that she had fourteen days to file an objection. No objection has been filed.

Based upon the thorough analysis presented in the Report and Recommendation, and noting there are no objections, the court, upon *de novo* review, hereby ADOPTS the Report and Recommendation. (Dkt. No. 36.) Based upon this, Plaintiff's Motion to Dismiss Counterclaim for Improper Venue (Dkt. No. 11) is hereby DENIED.

It is So Ordered.

/s/ Mark G. Mastroianni
MARK G. MASTROIANNI
United States District Judge