

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LINDA CAVERLY,

Plaintiff,

Case No. 16-cv-10707

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

FANNIE MAE, EVERBANK MORTGAGE
COMPANY, and TROTT LAW, P.C.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
PLAINTIFF'S MOTION TO REMAND**

On January 21, 2016, Plaintiff Linda Caverly filed a complaint against Defendants Fannie Mae, Everbank Mortgage Company, and Trott Law in the Circuit Court for Cheboygan County. Not. of Removal, ECF No. 1. Defendant Fannie Mae removed the case on February 26, 2016 on the basis of diversity between the parties. *Id.* The case was referred to Magistrate Judge Patricia T. Morris for management of all pre-trial matters.

Plaintiff filed an amended complaint on March 28, 2016. ECF No. 13. The amended complaint alleged eight counts against Defendants related to the foreclosure of Plaintiff's home. That same day, Plaintiff filed a motion to remand the case to state court because there was not complete diversity of citizenship between the parties. Plaintiff cited the fact that Trott Law is a Michigan corporation, defeating diversity.

On June 10, 2016, Judge Morris issued a report recommending that Plaintiff's motion to remand be denied. *See* Rep. & Rec. 5–8, ECF No. 21. Judge Morris concluded that Plaintiff

fraudulently joined Trott Law in order to defeat diversity. As a result, Judge Morris explained, exercise of this Court's diversity jurisdiction is proper.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 21, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Linda Caverly's Motion to Remand, ECF No. 14, is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 28, 2016

<p>PROOF OF SERVICE</p> <p>The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 28, 2016.</p> <p><u>s/Michael A. Sian</u> MICHAEL A. SIAN, Case Manager</p>
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