

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,

Plaintiff,

Case No. 15-10993  
Honorable Victoria A. Roberts

v.

UNIVERSAL REHAB  
SERVICES, INC., et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [Doc. 200];  
GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO  
DISMISS UNIVERSAL DEFENDANTS' COUNTERCLAIMS [Doc. 123];  
AND EXTENDING FACT DISCOVERY FOR MATTERS  
RELATED TO THE SURVIVING COUNTERCLAIMS UNTIL JUNE 30, 2017**

On March 30, 2017, Magistrate Judge Anthony P. Patti issued a Report and Recommendation [Doc. 200] recommending that Plaintiff's Motion to Dismiss [Doc. 123] Universal Defendants' Counterclaims [Doc. 116] be GRANTED IN PART and DENIED IN PART, and that the Court extend fact discovery for three months for matters related to the surviving counterclaims. Neither party filed objections within the fourteen day period pursuant to Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1).

Accordingly, the Court **ADOPTS** the Report and Recommendation, which is well-written, well-reasoned and well-supported by the cited authorities.

Plaintiff's Motion to Dismiss Universal Defendants' Counterclaims [Doc. 123] is **GRANTED IN PART** and **DENIED IN PART**. The Court **DISMISSES** Universal Defendants' breach of settlement/release agreements, abuse of process and tortious

interference with contractual relations counterclaims. Their counterclaims for unpaid PIP benefits and fraudulent misrepresentation survive dismissal, with the limitations noted by Magistrate Judge Patti. The Court extends fact discovery for matters related to the surviving counterclaims until **June 30, 2017** – i.e., three months from the date of Judge Patti’s R&R.

**IT IS ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: April 19, 2017

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on April 19, 2017.

s/Linda Vertriest  
Deputy Clerk