

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT GORDON PAYNE,

Plaintiff,

v.

SYDNE ALVIAR, et al.,

Defendants.

Case No. 1:23-cv-524

Hon. Hala Y. Jarbou

ORDER

In accordance with the opinion entered this date:

IT IS ORDERED that the report and recommendation (“R&R”) of the magistrate judge (ECF No. 47) is **ADOPTED IN PART** and **REJECTED IN PART**. The Court adopts Sections I – III of the R&R and its recommendation to deny Defendant’s Alviar’s motion to dismiss. The Court rejects the remainder of the R&R.

IT IS FURTHER ORDERED that Defendant Alviar’s motion to dismiss and/or for summary judgment (ECF No. 18) is **DENIED**.

IT IS FURTHER ORDERED that Defendant Sherwood’s motion for summary judgment (ECF No. 24) is **DENIED**.

Dated: March 27, 2024

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE