

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Graham Construction Services, Inc.,

Civil File No. 11-3414 (MJD/AJB)

Plaintiff,

v.

ORDER

Adventure Divers, Inc. and
Ohio Farmers Insurance Company,

Defendants.

Based upon the Report and Recommendation by United States Chief Magistrate Judge Arthur J. Boylan dated March 27, 2012, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion to Remand [Docket No. 6] is **GRANTED IN PART and DENIED IN PART** as follows:
 - a. Plaintiff's motion that the matter be remanded to Dakota County District Court, State of Minnesota is **GRANTED**.
 - b. Plaintiff's request for attorneys' fees is **DENIED**.
2. Defendant Adventure Diver's Motion to Transfer [Docket No. 23] is **DENIED** as moot.
3. Defendant Ohio Farmer's Motion to Dismiss or, in the alternative, to Transfer [Docket No. 28] is **DENIED** as moot.

Dated: April 19, 2012

s/Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court