

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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CLEONE HEMINGWAY AND RANDE  
HEMINGWAY,

Civil No. 13-3379 (JRT/JJG)

Plaintiffs,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

FIRST NATIONAL INSURANCE  
COMPANY OF AMERICA,

Defendant.

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Cameron D Davis, **HOVERSTEN, JOHNSON, BECKMAN & HOVEY, LLP**, 807 West Oakland Avenue, Austin, MN 55912 for plaintiffs,

Daniel W Berglund, **GROTEFELD HOFFMANN**, 150 South Fifth Street, Suite 3650, Minneapolis, MN 554022, for defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. The Report and Recommendation are **ADOPTED**;
2. Defendant First National Insurance Company of America's Motion to Dismiss (ECF No. 6) is **DENIED AS MOOT**. (*if Plaintiffs timely file an amended complaint*)

*or, in the alternative,*

2. Defendant First National Insurance Company of America's Motion to Dismiss (ECF No. 6) is **GRANTED**. (*if Plaintiffs do not timely file an amended complaint*)

Dated: April 3, 2014

s/John R. Tunheim

JOHN R. TUNHEIM

United States District Judge