

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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DUANE KAISER,

Civil No. 17-1716 (JRT/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

FED EX CARGO CLAIMS DEPT,

Defendant.

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S. Steven Prince, **GRELL & FEIST L.L.C.**, 825 Nicollet Mall, Suite 1648, Minneapolis, MN 55402, for plaintiff.

Brian Wood, Lauren Allison D'Cruz, **LIND JENSEN SULLIVAN & PETERSON, PA**, 901 Marquette Avenue South, Suite 1300, Minneapolis, MN 55402, for defendant.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS HEREBY ORDERED** that:

1. That Defendant's Motion to Dismiss [Docket No. 6] is **DENIED** as moot.
2. That Plaintiff's Motion to Remand to State Court [Docket No. 12] is

**GRANTED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: October 6, 2017  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court