

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CATHY KING, an individual, and** )  
**STEVE KING, an individual,** )  
) )  
**Plaintiffs,** )  
) )  
**v.** )  
) )  
**PFIZER, INC.; WYETH, LLC;** )  
**WYETH PHARMACEUTICALS, INC.;** )  
**SCHWARZ PHARMA, INC.;** )  
**PLIVA, INC.; JOHN DOE** )  
**PHARMACEUTICAL COMPANIES 1-40;** )  
**and MONTE SCOTT, MD,** )  
) )  
**Defendant.** )

**CASE NO. 8:13CV290**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Motion to Remand (Filing No. 22) filed by Plaintiffs Cathy King and Steve King, and the Findings and Recommendation (Filing No. 30) of Magistrate Judge F.A. Gossett, recommending that the Motion to Remand be denied and that Defendant Monte M. Scott, M.D., be dismissed as an improperly joined non-diverse party. No party has objected to the Findings and Recommendation, and the time for filing any such objections has expired. See NECivR 72.2.

The Court has conducted a de novo review of the pleadings, the Motion to Remand, the parties' briefs, and the Defendants' index of evidence, and adopts Judge Gossett's well-reasoned Findings and Recommendation in their entirety. Accordingly,

IT IS ORDERED:

1. Magistrate Judge F.A. Gossett's Findings and Recommendation (Filing No. 30) are adopted;
2. The Motion to Remand filed by Plaintiffs Cathy King and Steve King (Filing No. 22) is denied;
3. Defendant Monte Scott, M.D., is dismissed as a defendant in these proceedings; and

4. The Clerk's office will modify the caption to reflect the dismissal of Monte Scott, M.D., as a Defendant.

DATED this 31<sup>st</sup> day of December, 2013.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge