

**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

**AMENDED 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 Thomas D. Thalken, 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 Thalken's well-reasoned Findings and Recommendation in their entirety. Accordingly,

IT IS ORDERED:

1. Magistrate Judge Thomas D. Thalken'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 2nd day of January, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge