

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNION PACIFIC RAILROAD  
COMPANY,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

8:16-CV-63

MEMORANDUM AND ORDER

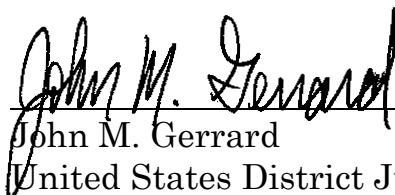
This matter is before the Court on the defendant's motion to dismiss (filing 2), the Magistrate Judge's Findings and Recommendation (filing 31) recommending that the motion be granted, and the plaintiff's objection (filing 32) to the findings and recommendation. Having conducted a *de novo* review of the record pursuant to 28 U.S.C. § 636(b)(1)(C), the Court finds that the Magistrate Judge's findings and recommendation were correct in all respects. The Court will grant the defendant's motion to dismiss for the reasons stated by the Magistrate Judge.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (filing 31) are adopted.
2. The plaintiff's objection (filing 32) to the findings and recommendation is overruled.
3. The defendant's motion to dismiss (filing 2) is granted.
4. A separate judgment will be entered.

Dated this 28th day of July, 2016.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge