

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**BERNARD STERN, Derivatively on Behalf of
Nominal Defendant Quest Diagnostics
Incorporated,**

Plaintiff,

v.

JOHN C. BALDWIN, et al.

Defendants,

**QUEST DIAGNOSTICS INCORPORATED,
Nominal Defendant,**

Nominal Defendant.

Civil No. 09-4167 (WJM)

ORDER

THIS MATTER comes before the Court on Defendants' Objections to the Report and Recommendations issued by Magistrate Judge Mark Falk on January 7, 2010; and Judge Falk having recommended that Plaintiff's motion to remand be granted and request for fees be denied; and the Court having reviewed the Report and Recommendation *de novo*; and for the reasons set forth in the accompanying Letter Opinion; and for good cause appearing,

IT IS on this 24th day of March 2010, hereby,

ORDERED that the Report and Recommendation of Magistrate Judge Mark Falk is adopted as the Opinion of this Court; and it is further

ORDERED that Plaintiff's motion to remand is **GRANTED** and Plaintiff's request for fees is **DENIED**.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.