

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Jared Schueller,)
)
Plaintiff,)
)
-vs-)
)
Remington Arms Company, LLC and)
Sporting Goods Properties, Inc.,)
)
Defendant.)

Case No. 2:11-cv-108

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Defendants’ motion to dismiss Count V of the Complaint be granted and that Defendants’ motion to strike the prayer for relief to the extent it seeks punitive damages be granted without prejudice such that Plaintiff may seek to amend the Complaint to add such a claim in accordance with N.D. Cent. Code § 32-03.2-11(1). Neither party has filed an objection to the Report and Recommendation.

The Court has reviewed the Report and Recommendation, along with the entire file, and finds the Magistrate Judge’s analysis is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Defendants’ motion to dismiss Count V of the Complaint is **GRANTED** and this claim is hereby dismissed with prejudice. Defendants’ motion to strike the prayer for relief pertaining to punitive damages is **GRANTED without prejudice** at this time. Plaintiff retains the right to present a properly documented motion to amend the pleadings to add a claim for punitive damages in accordance with N.D. Cent. Code § 32-03.2-11(1).

IT IS SO ORDERED.

Dated this 22nd day of June, 2012.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court