

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**HELEN BRUSHART,**

**Plaintiff,**

**v.**

**Civil Action 2:16-cv-520  
Judge Algenon L. Marbley  
Magistrate Judge Jolson**

**BRIAN ADAMS, et al.,**

**Defendants.**

**ORDER AND REPORT AND RECOMMENDATION**

This matter is before the Court on an Unopposed Motion for Leave to File a Fourth Amended Counterclaim filed by Defendant Brian Adams. (Doc. 36). The proposed “Fourth Amended Counterclaim does not add claims or parties, but, rather, makes clear that Defendant A-Team is no longer a party to the Counterclaims by virtue of the assignment of A-Team’s claims to Adams. The Fourth Amended Counterclaim also attaches the assignment that is referenced at paragraph 7 of the Third Amended Counterclaim.” (*Id.* at 2). For good cause shown, the Unopposed Motion is GRANTED. (Doc. 36). Consequently, the Clerk is DIRECTED to file Exhibit A to Doc. 36 as the Fourth Amended Counterclaim. Based upon the foregoing, the Court RECOMMENDS that the Motion to Dismiss the Amended Counterclaim be DENIED as MOOT. (Doc. 34).

IT IS SO ORDERED.

Date: November 17, 2016

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE