

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

STEPHEN MOYER,	:
	: Case No. 2:20-cv-5405
Plaintiff,	:
	: CHIEF JUDGE ALGENON L. MARBLEY
v.	:
	: Magistrate Judge Deavers
SimBad LLC, et al.	:
	:
Defendants.	:

ORDER

This matter is before the Court on Magistrate Judge Deavers’ January 12, 2021 Report and Recommendation (ECF No. 28). Magistrate Deavers recommends remanding this action to the Franklin County Court of Common Pleas and denying Plaintiffs Sarah Popovich and Charles Popovich’s request for attorney fees. The Report and Recommendation advised the parties that they had fourteen days to raise any objections and notified them that a failure to object within the prescribed time period would result in a waiver of the right to have the district court judge review the Report and Recommendation de novo.

Noting that no objections have been filed and that the time for filing objections has expired, this Court **ADOPTS** Magistrate Deavers’ Report and Recommendation [#28] as this Court’s findings of facts and law. Accordingly, the Court **GRANTS** Plaintiff Stephen Moyer’s Motion to Remand [#15] and the subsequent Motion to Remand filed by Plaintiffs Stephen Moyer, Charles Popovich, and Sarah Popovich [#29]. Additionally, the Court **GRANTS IN PART** and **DENIES IN PART** Plaintiffs Charles Popovich and Sarah Popovich’s Motion to Remand to State Court and for Attorneys’ Fees [#16]. The Court grants the remand but denies their request for attorney

fees. Finally, Defendant Greatwide Dallas Mavis LLC's Motion to Strike [#10] is now **MOOT**.

This action is hereby **REMANDED** to the Court of Common Pleas for Franklin County.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: March 31, 2021