

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GUSTAVE DEBREE,	:	
	:	
Plaintiff,	:	
v.	:	3:20-CV-247
	:	(JUDGE MARIANI)
AMERICAN STATES	:	
INSURANCE COMPANY	:	
	:	
Defendant.	:	

ORDER

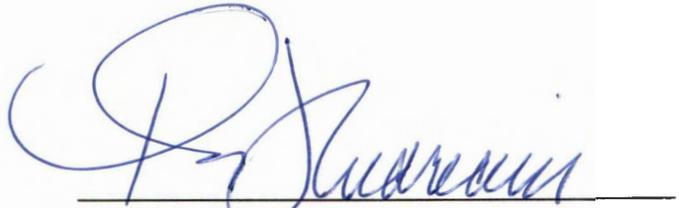
The background of this Order is as follows:

On March 31, 2020, Defendant filed a Motion to Dismiss Count Three of Plaintiff's Complaint (Doc. 6). The motion was subsequently referred to Magistrate Judge Carlson, who issued a Report and Recommendation ("R&R") (Doc. 29) on March 1, 2021, recommending that Defendant's motion be granted, but with leave to amend. No party filed objections to Magistrate Judge Carlson's R&R. However, on March 24, 2021, Plaintiff filed an Amended Complaint (Doc. 30).

ACCORDINGLY, THIS 31ST DAY OF MARCH, 2021, upon review of Magistrate Judge Carlson's R&R (Doc. 29) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 29) is **ADOPTED** for the reasons set forth therein.

2. Defendant's Motion to Dismiss Count Three of Plaintiff's Complaint (Doc. 6) is **GRANTED**. Count III of Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to amend the Complaint.
3. As Plaintiff submitted an Amended Complaint (Doc. 30) on March 24, 2021, the Court deems an Amended Complaint to have been filed.



Robert D. Mariani
United States District Judge