

C) The R&R is also **ADOPTED** with regard to the motions to dismiss Count 6 of the complaint, and those portions of the motions to dismiss are **GRANTED**. Count 6 is **DISMISSED**;

D) The R&R is **ADOPTED** with regard to the portion of Defendant Jauregui's motion to dismiss (Doc. 13) aimed at the intentional infliction of emotional distress claim found in Count 5 and that portion of the motion is **DENIED**;

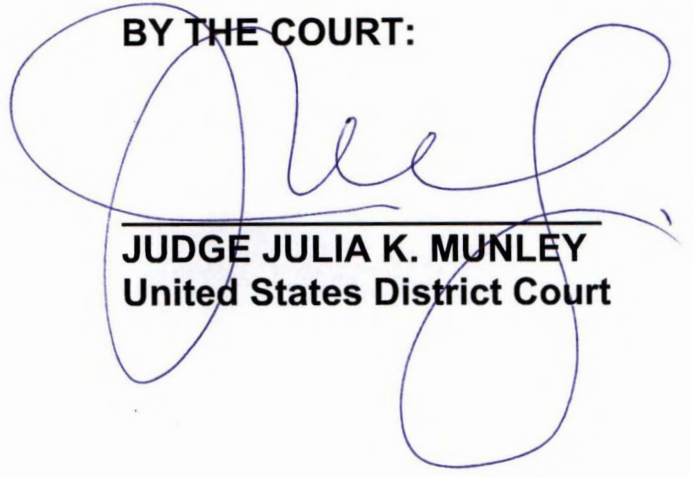
E) The R&R is **ADOPTED** with regard to Defendant Daniel Boye's motion for sanctions (Doc. 16) and this motion is **DENIED**;

2) The R&R is **NOT ADOPTED** with regard to the motions to dismiss Counts 2, 3, and 4 of the amended complaint and the portions of the motions to dismiss (Doc. 13, Doc. 15) dealing with these counts are **GRANTED**. Counts 2, 3, and 4 are **DISMISSED**;

3) Remaining in this case are Count 1 – Plaintiff Devin McCarthy versus Daniel Boye for battery and Count 5 – Plaintiff Devin McCarthy versus both defendants for intentional infliction of emotional distress. Accordingly, Plaintiffs Debra McCarthy and Oluwatomisin Olasimbo are completely dismissed from this case; and

4) The Clerk of Court is directed to remand this case to Magistrate Judge Carlson for further pretrial management.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Julia K. Munley', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.

**JUDGE JULIA K. MUNLEY
United States District Court**