

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MEDALLION TRANSPORT &
LOGISTICS, LLC,

Plaintiff,

v.

AIG CLAIMS, INC., GRANITE STATE
INSURANCE CO., and JAY CARMAN,

Defendants.

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NO. 2:16-CV-01016-JRG-RSP

ORDER

The above entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report and Recommendation (Dkt. No. 25) by Magistrate Judge Payne, which recommends that Defendant AIG Claims, Inc.’s Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6) (Dkt. No. 17) be granted-in-part. Defendant objected to the Report as it pertains to Count II of Plaintiff’s Complaint. (Dkt. No. 26).

Having considered the Report and Recommendation and Defendant’s objections, **IT IS ORDERED** that Magistrate Judge Payne’s Report and Recommendation (Dkt. No. 25) is hereby **ADOPTED** and AIG Claims, Inc.’s objections (Dkt. No. 26) are **OVERRULED**. Defendant’s Motion (Dkt. No. 17) is therefore **GRANTED** as to Count I and Count III of Plaintiff’s Complaint, and **DENIED** as to Count II.

So ORDERED and SIGNED this 29th day of August, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE