

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

AMY WELCH

Plaintiff,

VS.

KENNETH DALE JANNERETH, LYNN DALE STUCKY, LORI ANN STUCKY, ANIMAL HOSPITAL ON MILAM ROAD, P.C., D.V.M. and ANIMAL HOSPITAL ON MILAM ROAD EAST, L.P., D.V.M.

Defendants.

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Case No. 4:10cv365

MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

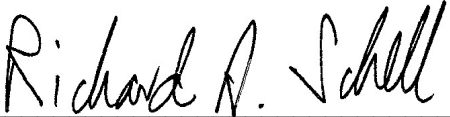
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 20, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Kenneth Dale Jannereth’s Motion for Summary Judgment (Dkt. 24) and Defendants Lynn Dale Stucky, Lori Ann Stucky, Animal Hospitals on Milam Road P.C. D.V.M. and L.P. D.V.M.’s Motion for Summary Judgment (Dkt. 57) be GRANTED as to all federal claims and DENIED as to the state claims and that all state claims be remanded back to the 393rd Judicial District Court for Denton County, Texas.

The court, having made a *de novo* review of the objections raised by the parties, is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Defendant Kenneth Dale Jannereth's Motion for Summary Judgment (Dkt. 24) and Defendants Lynn Dale Stucky, Lori Ann Stucky, Animal Hospitals on Milam Road P.C. D.V.M. and L.P. D.V.M.'s Motion for Summary Judgment (Dkt. 57) are GRANTED as to all federal claims and DENIED as to the state claims. All state claims will be remanded back to the 393rd Judicial District Court for Denton County, Texas.

IT IS SO ORDERED.

SIGNED this the 30th day of August, 2011.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE