

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**FRANCISCO AVILA and MARTHA  
AVILA,**

Plaintiff,

v.

**METROPOLITAN LLOYDS  
INSURANCE, et al.,**

Defendants.

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Civil Action No. **3:16-CV-3007-L**

**ORDER**

On February 21, 2017, United States Magistrate Judge David L. Horan entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court grant Plaintiffs’ Opposed Motion to Remand (Doc. 6) but deny their request for attorney’s fees. No objections to the Report were filed; however, on March 3, 2017, several Defendants in this case filed a Motion to Sever and Abate (Doc. 17) Plaintiffs’ extra-contractual causes of action.

After considering the motions, the record relevant to the motions, and Report, the court concludes that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Plaintiffs’ Opposed Motion to Remand (Doc. 6), **denies** Plaintiffs’ request for attorney’s fees, and **remands** this action to County Court at Law No. 2, Kaufman County, Texas, from which it was removed. The clerk of the court is **directed** to effect the remand in accordance with the usual procedure. Further, the court determines that any request by Defendants to sever and abate Plaintiffs’ extra-contractual can be addressed by the court

in the state court action. The court, therefore, **denies without prejudice** Defendants' Motion to Sever and Abate (Doc. 17).

**It is so ordered** this 3rd day of April, 2017.

  
Sam A. Lindsay  
United States District Judge