

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WAYNE K ROESLER)	
and MARLENE ROESLER,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 11-cv- 753
)	
ANN M. McNAMAR,)	
AUTO-OWNERS INSURANCE COMPANY,)	
AMERICAN FAMILY MUTUAL)	
INSURANCE and OPERATING ENGINEERS)	
LOCAL 139 HEALTH BENEFITS FUND,)	
)	
Defendants.)	

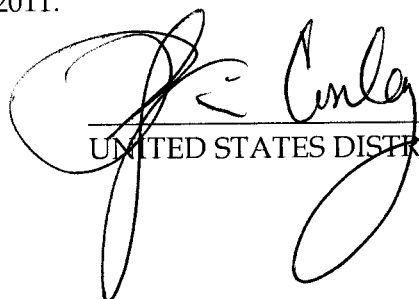
ORDER

The Court, having been fully apprised that the Attorney General’s designee has certified that the individual defendant Ann McNamar was acting within the scope of her employment at the time of the incident giving rise to this suit, and the Court having been apprised of the substitution of the United States pursuant to the Federal Employees Liability Reform and Tort Compensation Act of 1988 § 6, Pub. L. No. 100-694, 102 Stat. 4563 (1988), 28 U.S.C. § 2679(d)(2),

IT IS HEREBY ORDERED that pursuant to the provisions of 28 U.S.C. § 2679(b) and § 2679(d)(2), the state law claims set forth in the amended complaint, are dismissed with respect to the individual defendant Ann McNamar on the ground that the exclusive remedy for these claims is an action against the United States and because the United States has been substituted as the sole defendant on those claims.

IT IS FURTHER ORDERED that the caption of this action shall be amended to reflect the substitution of the United States as a defendant.

Dated this 9th day of November, 2011.


UNITED STATES DISTRICT JUDGE