

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ROBERT GIBSON, )  
 )  
 Plaintiff, )  
 )  
 vs. ) 1:15-cv-00704-RLY-DML  
 )  
 SPEEDWAY LLC, and )  
 PRESTIGE LAWN SOLUTIONS, LLC, )  
 )  
 Defendants. )

**ORDER ADOPTING THE MAGISTRATE JUDGE’S  
REPORT AND RECOMMENDATION**

Robert Gibson, Plaintiff, filed this personal injury action against Speedway LLC, Defendant, in Marion County Superior Court on February 24, 2015. Defendant removed the action to this court on May 1, 2015 based upon diversity jurisdiction. Through Defendant’s responses to interrogatories, Plaintiff learned of an additional entity that he sought to name as a co-defendant. Plaintiff subsequently moved to amend his Complaint to include Prestige Lawn Solutions, LLC and also to remand this case back to Marion County Superior Court because Prestige would eliminate diversity among the parties.

The court referred the matter to the Magistrate Judge, who issued her Report and Recommendation. The Magistrate Judge issued an order granting Plaintiff’s motion to amend his Complaint, and therefore recommended that this court grant Plaintiff’s motion to remand based upon the lack of subject matter jurisdiction. Neither party objects.

Consequently, the court reviews the Report and Recommendation for clear error.

*Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). After reviewing the

record, the Report and Recommendation, and the relevant case law, this court is satisfied that the Magistrate Judge did not commit clear error. Therefore, the court **ADOPTS** the Magistrate Judge's Report and Recommendation and **REMANDS** this case to Marion Superior Court.

**SO ORDERED** this 23rd day of September 2015.



---

RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.