

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

THE LANDING, L.L.C., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	CIV. ACT. NO. 1:23-cv-377-TFM-B
)	
MG AFFORDABLE MASTER, LLC,)	
<i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

On August 12, 2024, the Magistrate Judge entered a Report and Recommendation which recommends Plaintiffs’ motion for judgment on the pleadings (Doc. 43) be granted and Defendants’ motion for judgment on the pleadings (Doc. 32) be denied. *See* Doc. 64. Defendants timely filed objections (Doc. 65), Plaintiffs timely filed their response to the objections (Doc. 66), and Defendants timely replied (Doc. 69). The Report and Recommendation (R&R) is now ripe for review.

The Court reviewed the amended complaint (Doc. 21), answer (Doc. 31), the underlying cross motions for judgment on the pleadings (Docs. 32, 43), responses (Docs. 42, 50), replies (Docs. 50, 57), the transcript of the oral arguments held on March 14, 2024 (Doc 59), notice of supplemental authority (Doc. 60), the response to the supplemental authority (Doc. 63), the R&R (Doc. 64), the objections (Doc. 65), response to objections (Doc. 66), reply to objections (Doc. 69), and applicable caselaw. Though Defendants request oral argument on their objections, the Court finds that oral arguments are unnecessary for the resolution of the issues as the matters have been extensively briefed and oral arguments already occurred before the Magistrate Judge which the undersigned reviewed. Therefore, the request for oral arguments is **DENIED**. The Court

applies a *de novo* review to the entire matter given that the objections cover pretty much the entire R&R and seek to start anew. In fact, the objections even change some of the positions originally asserted by the Defendants. Regardless, the Court has reviewed this case with new eyes.

The Court finds that the objections are **OVERRULED** for the reasons articulated in the response to objections. The Court agrees with the overall analysis of the Magistrate Judge, finds that it is well-reasoned, and notes that the undersigned finds that the contract terms are clear.

Therefore, after due and proper consideration of all portions of this file deemed relevant to the issues raised (which is essentially everything), and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge (Doc. 64) is **ADOPTED** as the opinion of the Court. Accordingly, the Plaintiffs' motion for judgment on the pleadings (Doc. 43) is **GRANTED** and the Defendants' motion for judgment on the pleadings (Doc. 32) is **DENIED**.

A separate judgment will issue pursuant to Fed. R. Civ. P. 58.

DONE and ORDERED this 25th day of September, 2024.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE