

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION10 MAY 17 PM 1:47
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS, FLORIDA

DANIEL S. NEWMAN, as a Receiver for
Founding Partners Capital Management
Company; Founding Partners Stable-
Value Fund, L.P.; Founding Partners
Stable-Value Fund, II, L.P.;
Founding Partners Global Fund, Ltd.,
and Founding Partners Hybrid-Value
Fund, L.P.,

Plaintiff,

vs.

Case No. 2:09-cv-445-FtM-29SPC

SUN CAPITAL, INC. a Florida
corporation; SUN CAPITAL HEALTHCARE,
INC., a Florida corporation; HLP
PROPERTIES OF PORT ARTHUR, LLC, a
Texas limited liability company,

Defendants.

ORDER

This matter comes before the Court on a Report and Recommendation (Doc. #181), recommending that Plaintiff Daniel S. Newman's Motion for Leave to File an Amended Complaint (Doc. #159) be granted in part and denied in part. The Receiver filed objections (Docs. # 188, 190), to which defendants filed a Memorandum in Opposition (Doc. #192). After reviewing the matter carefully, the Court agrees with the Report and Recommendation.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #181) is **ACCEPTED AND ADOPTED**.

2. Plaintiff Daniel S. Newman's Motion for Leave to File an Amended Complaint (Doc. #159) is **GRANTED IN PART AND DENIED IN PART** as set forth in the Report and Recommendation.

3. Plaintiff shall file an amended complaint consistent with the Report and Recommendation within twenty-one (21) days of the date of this Order.

DONE AND ORDERED at Fort Myers, Florida, this 17th day of May, 2010.



JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

Copies: Counsel of record