

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS DIVISION**

JOHN ANDRE and CHANDY ANDRE,

Plaintiffs,

v.

CASE NO. 2:09-CV-503-FtM-36DNF

SELLSTATE REALTY SYSTEMS  
NETWORK, INC., a Florida corporation,  
ARTHUR DARMANIN, an individual,  
and NEIL CRESSWELL, an individual,

Defendants.

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**ORDER**

**THIS CAUSE** came on for consideration upon the Report and Recommendation filed by United States Magistrate Judge Sheri P. Chappell on July 30, 2010 (Dkt. 54), recommending that the Court grant Defendants' Second Motion to Strike Plaintiffs' Demand for Jury Trial (Dkt. 45). No objections were filed to the Report and Recommendation, and the time to do so has expired.

After carefully considering Plaintiffs' Second Amended Complaint (Dkt. 40), Defendants' Second Motion to Strike Jury Demand (Dkt. 45), Plaintiffs' Responses to the Motion (Dkt. 46, 53), Defendants' Reply (Dkt. 50), and Magistrate Judge Chappell's Report and Recommendation, and undertaking a *de novo* review of the legal determinations recommended therein, the Court concludes that Magistrate Judge Chappell's Report and Recommendation should be confirmed and accepted.

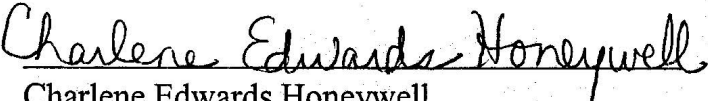
**ACCORDINGLY**, it is now **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation of the Magistrate Judge (Dkt. 54) is **ADOPTED**, **CONFIRMED** and **APPROVED** in all respects and is made a part of this Order for

all purposes, including appellate review.

2. Defendants' Second Motion to Strike Plaintiffs' Demand for Jury Trial (Dkt. 45) is **GRANTED**. The Demand for Jury Trial in the Second Amended Complaint is hereby **STRICKEN**.
3. The Clerk is directed to terminate this pending motion.

**DONE AND ORDERED** at Ft. Myers, Florida, on August 18, 2010.

  
Charlene Edwards Honeywell  
United States District Judge

**COPIES TO:**

Magistrate Judge Sheri P. Chappell  
Counsel of Record