

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

**SETH NADREAU, on behalf of himself
and all others similarly situated,**

Plaintiffs,

-vs-

Case No. 2:10-cv-00298-FtM-UA-SPC

**LUSH COSMETICS NY, LLC, and LUSH
COSMETICS, LLC d/b/a LUSH
HANDMADE COSMETICS,**

Defendants.

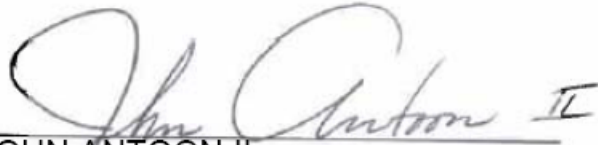
ORDER

This case is before the Court on Plaintiffs' Motion to Certify Rule 23 Sub-Class as to Count II of Amended Complaint (Doc. No. 74) filed November 22, 2011. The United States Magistrate Judge has submitted a report recommending that the motion be denied.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. That the Report and Recommendation filed August 13, 2012 (Doc. No. 99) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiffs' Motion to Certify Rule 23 Sub-Class as to Count II of Amended Complaint (Doc. No. 74) is **DENIED**.

DONE and **ORDERED** in Chambers, Orlando, Florida this 5th day of September,
2012.



JOHN ANTOON II
United States District Judge

Copies furnished to:
Counsel of Record