

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

**ROBERT C. DEBACCO,**

**Plaintiff,**

v.

**Case No: 2:12-cv-256-Ftm-99SPC**

**JEFFREY T. DEBACCO,  
DEVELOPMENT OPPORTUNITITES,  
LLC and PARK BANK,**

**Defendants.**

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**ORDER**

This cause is before the Court on Defendant Jeffrey T. DeBacco and Development Opportunities, LLC's Motion to Dismiss and for More Definite Statement or, alternatively, Motion to Transfer Venue (Doc. No. 8) filed on June 8, 2012.

The United States Magistrate Judge has submitted a report recommending that the Motion be GRANTED in part and DENIED in part.

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. The Report and Recommendation filed August 6, 2012 (Doc. No. 13), is ADOPTED and CONFIRMED and made a part of this Order.
2. The Defendants Jeffrey T. DeBacco and Development Opportunities, LLD's Motion to Dismiss and for More Definite Statement or, alternatively, Motion to Transfer Venue is hereby GRANTED in part and DENIED in part.

3. The Motion to Dismiss for Lack of Personal Jurisdiction is GRANTED, and the Complaint is dismissed without prejudice, with leave to amend.

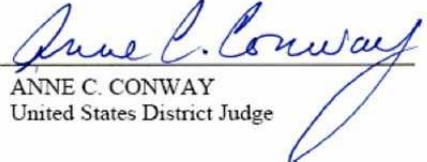
4. The Motion to Dismiss Plaintiff's RICO claim (Count I) is GRANTED, with leave to amend.

5. The Motion for More Definite Statement as to Plaintiff's fraud claim (Count II) is GRANTED, with leave to amend.

6. The Motion to Dismiss for improper venue is DENIED, AND THE Motion to Transfer this action to the Eastern District of Wisconsin is DENIED.

7. Plaintiff shall file his Amended Complaint by September 4, 2012.

**DONE** and **ORDERED** in Fort Myers, Florida on August 22, 2012.

  
ANNE C. CONWAY  
United States District Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties