

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Allied Portables, LLC,
and Connie Adamson,

Case No. 2:15-cv-294-FtM-38CM

Plaintiffs,

v.

ORDER

Robin Youmans, Garden
St. Portables, LLC, William
“Bill” Oswald, Jr., Billopro, LLC,
Lori A. Langlois, and Debra Palmer,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Carol Mirando dated September 16, 2016. (Docket No. 145.) Defendant Robin Youmans filed an objection to one of Magistrate Judge Mirando’s recommendations (Docket No. 153) and Plaintiffs responded to that objection (Docket No. 159).

This Court reviews de novo any portion of the R&R to which specific objections are made. Having conducted the required review, the Court adopts the R&R.

The R&R concluded that the addition of Defendant Youmans’s proposed 18th affirmative defense was futile. In this proposed addition, Youmans alleges that she had a side agreement with Plaintiff Adamson regarding the sale of Allied Portables to Youmans, and that Adamson breached this side agreement, thus ostensibly excusing Youmans’s alleged breach of her obligations to Allied Portables. But as Magistrate

Judge Miranda correctly held, whether Youmans and Adamson had a side agreement has no bearing on Youmans's alleged misconduct with regard to the company. The amendment is futile.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Report and Recommendation (Docket No. 145) is **ADOPTED**;
2. Defendant Robin Youmans's Motion for Leave to File Amended Affirmative Defenses and Amended Counterclaim (Docket No. 124) is **GRANTED in part and DENIED in part**; and
3. Within seven days of the date of this Order, Youmans may amend her Answer, Affirmative Defenses, and Counterclaim only to the extent that the numbering of subparagraphs in paragraph 42 are corrected, as reflected in Docket No. 124 at 19, ¶ 42, and that the prayer for relief against Adamson in Count IV be amended so that "Allied Portables, LLC" is replaced with "Connie Adamson," as reflected in Docket No. 124 at 20, ¶ 43.

Dated: December 2, 2016

s/ Paul A. Magnuson
PAUL A. MAGNUSON
United States District Court Judge