

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

CANDI CAKE,

Plaintiff,

v.

Case No. 3:16-cv-102-J-32PDB

CASUAL CONCEPTS, INC,  
RONALD LEGRAND, Individually,  
and JOHN LONG, Individually,

Defendants.

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**ORDER**

This case is before the Court on Defendants' Motion to Dismiss (Doc. 22). On August 16, 2017, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 34) recommending that Defendants' request for an award of expenses in bringing the motion to compel (Doc. 20) be granted, that all other requests for awards of expenses be denied, that the motion to dismiss is deemed withdrawn, and that the request that Plaintiff's counsel withdraw be denied. No party has filed an objection to the Report and Recommendation, and the time in which to do so has passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); M.D. Fla. R. 6.02(a).

Upon de novo review of the file and for the reasons stated in the Report and Recommendation (Doc. 34), it is hereby

**ORDERED:**

1. The Report and Recommendation of the Magistrate Judge (Doc. 34) is **ADOPTED** as the opinion of the Court.

2. Defendants' request for an award of expenses in bringing the motion to compel (Doc. 20) is **GRANTED**. Plaintiff's counsel is required to pay Defendants' counsel \$847.80 in attorney's fees no later than **November 6, 2017**.

3. All other requests for an award of expenses are **DENIED**.

4. Defendants' Motion to Dismiss (Doc. 22) is deemed **WITHDRAWN**.

5. Defendants' oral motion for the withdrawal of Plaintiff's counsel is **DENIED**. However, counsel is hereby warned that any unexcused delay in responding to emails, providing discovery, or complying with deadlines may result in an order requiring him to withdraw.<sup>1</sup>

6. The Court will reset all case deadlines via an amended Case Management and Scheduling Order.

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<sup>1</sup> Counsel for both parties are reminded to conduct themselves in a manner consistent with the Federal Rules of Civil Procedure, the Local Rules, and the Rules Regulating the Florida Bar. Failure to do so will result in sanctions.

**DONE AND ORDERED** in Jacksonville, Florida this 6th day of  
September, 2017.

  
TIMOTHY J. CORRIGAN  
United States District Judge

jjb  
Copies to:

Honorable Patricia D. Barksdale  
United States Magistrate Judge

Counsel of record