

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

JAMES R. TAYLOR, on behalf of themselves and all others similarly situated, CHARLENE TAYLOR, on behalf of themselves and all others similarly situated, JARMAUR STALLINGS, on behalf of themselves and all others similarly situated, STARLA STALLINGS, on behalf of themselves and all others similarly situated, ROBIN DERISEIS, on behalf of themselves and all others similarly situated, SEAN EVANS, on behalf of themselves and all others similarly situated, GARY KAPALA, on behalf of themselves and all others similarly situated, BERNARD MCNAIR, on behalf of themselves and all others similarly situated, CRESTIN GREENWOOD, on behalf of themselves and all others similarly situated, WILLIE HOUSTON, JR. , on behalf of themselves and all others similarly situated, APRIL BOWEN, on behalf of themselves and all others similarly situated, JO ANN LANGSTON, on behalf of themselves and all others similarly situated, and ROGER CLEVELAND, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Case No. 3:16-cv-159-J-32JRK

WELLS FARGO BANK, N.A. and
WELLS FARGO BANK, N.A.,

Defendants.

ORDER

This case is before the Court on the Defendants' Motion to Dismiss Plaintiffs' Amended Class Action Complaint (Doc. 39) and Defendants' Motion to Sever and Dismiss Out-of-State Plaintiffs' Amended Claims (Doc. 40). On August 8, 2017, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 48) recommending that: (1) Defendants' Motion to Dismiss Plaintiffs' Amended Class Action Complaint be granted to the extent that the entire Amended Complaint should be dismissed without prejudice; (2) Plaintiffs be permitted to file a second amended complaint repleading only individual claims within 14 days of the entry of an Order on the Motion; and (3) Defendants' Motion to Sever and Dismiss Out-of-State Plaintiffs' Amended Claims be found moot.

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 and for the reasons stated in the Report and Recommendation (Doc. 48), it is hereby

ORDERED:

1. The Report and Recommendation of the Magistrate Judge (Doc. 48) is **ADOPTED** as the opinion of the Court.

2. Defendants' Motion to Dismiss Plaintiffs' Amended Class Action Complaint (Doc. 39) is **GRANTED** to the extent that the Amended Class Action Complaint (Doc. 38) is **DISMISSED without prejudice**.

3. Defendants' Motion to Sever and Dismiss Out-of-State Plaintiffs' Amended Claims (Doc. 40) is **MOOT**.

4. Plaintiffs shall file a second amended complaint, repleading only individual claims, by **September 25, 2017**.

5. Defendants shall file an answer or motion to dismiss by **October 16, 2017**.

DONE AND ORDERED in Jacksonville, Florida the 28th day of August, 2017.


TIMOTHY J. CORRIGAN
United States District Judge

sj
Copies to:

Honorable James R. Klindt
United States Magistrate Judge

Counsel of record