

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

UNITED STATES OF AMERICA and
EMMA TIRELLA, ex rel.,

Plaintiffs,

v.

Case No. 3:16-cv-203-J-32JBT

KLAUSNER LUMBER ONE, LLC, a
Foreign Profit Corporation,

Defendant.

ORDER

This case is before the Court on the Defendant Klausner Lumber One, LLC's Motion to Dismiss Qui Tam Complaint (Doc. 14). On December 2, 2016, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 26) recommending that the motion be granted in part and denied in part; the complaint be dismissed without prejudice; and Plaintiff be given twenty days from the Court's order on the Report and Recommendation to file an amended complaint in accordance herewith, and Defendant be given fourteen days from such filing to respond.

On December 16, 2016, Defendant filed a Partial Objection to Magistrate's Report and Recommendation (Doc. 27), in which it requests that the Court explicitly state that the partial denial of Defendant's motion to dismiss is without prejudice and may be renewed in response to any amended complaint that Plaintiff may file. Defendant objects to this extent only and fully concurs in the R&R's result. (*Id.* at 2). Plaintiff did not file any objections.

Upon de novo review and for the reasons stated in the Report and Recommendation (Doc. 26), it is hereby

ORDERED:

1. The Report and Recommendation of the Magistrate Judge (Doc. 26) is **ADOPTED** as the opinion of the Court.

2. Defendant Klausner Lumber One, LLC's Motion to Dismiss Qui Tam Complaint (Doc. 14) is **GRANTED IN PART and DENIED WITHOUT PREJUDICE IN PART.**

3. The Complaint (Doc. 1) is **DISMISSED without prejudice.**

4. Plaintiff may file an amended complaint by **January 9, 2017**. Defendant shall file an answer or motion to dismiss by **January 23, 2017**. Defendant's Partial Objection (Doc. 27) is **MOOT.**

DONE AND ORDERED in Jacksonville, Florida the 19th day of December, 2016.


TIMOTHY J. CORRIGAN
United States District Judge

sj
Copies to:

Honorable Joel B. Toomey
United States Magistrate Judge

Counsel of record