

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

WELLS PHARMACY NETWORK, LLC,

Plaintiff,

v.

Case No. 5:16-cv-319-Oc-37PRL

REGULATORY COMPLIANCE
ASSOCIATES INC.,

Defendant.

ORDER

This cause is before the Court on the following:

1. Defendant's Motion to Dismiss Amended Complaint (Doc. 21), filed June 17, 2016;
2. Plaintiff's Opposition to Motion to Dismiss Amended Complaint (Doc. 24), filed June 29, 2016; and
3. U.S. Magistrate Judge Philip R. Lammens's Report and Recommendation (Doc. 31), filed September 28, 2016.

Plaintiff initiated the instant action in state court on April 29, 2016, asserting claims for breach of contract, breach of the implied duty of good faith and fair dealing, and declaratory relief against Defendant. (Doc. 2.) On May 9, 2016, Defendant timely removed the action to this Court. (Doc. 1.) After a series of amendments in response to the Court's Orders highlighting pleading deficiencies in the original Notice of Removal and Complaint (see Docs. 4, 5, 8, 9, 11, 14, 17), Defendant moved to dismiss Plaintiff's Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 21 ("**MTD**")). After Plaintiff responded (Doc. 24), the Undersigned referred the matter to U.S. Magistrate

Judge Philip R. Lammens for a report and recommendation.

On September 28, 2016, Magistrate Judge Lammens issued a Report recommending that the Court deny the MTD in its entirety on the ground that Amended Complaint sufficiently states Plaintiff's claims for relief. (Doc. 31 ("R&R").) Neither party objected to the R&R. Rather, Defendant filed an answer to Plaintiff's Amended Complaint on October 12, 2016. (Doc. 32.)

Having independently reviewed the R&R for fairness and in the absence of any objection, the Court agrees with Magistrate Judge Lammens and adopts the R&R in its entirety. See 28 U.S.C. § 636(b)(1) (suggesting that a de novo review is only required when a party objects to the proposed findings and recommendations).

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Philip R. Lammens's Report and Recommendation (Doc. 31) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Defendant's Motion to Dismiss Amended Complaint (Doc. 21) is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 18, 2016.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record