

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

**DUSTIN SAUDER,**

**Plaintiff,**

**v.**

**Case No: 6:16-cv-932-Orl-28GJK**

**LEO'S CONCRETE SPECIALTIES, INC.  
and LEO BADALAMENTI,**

**Defendants.**

---

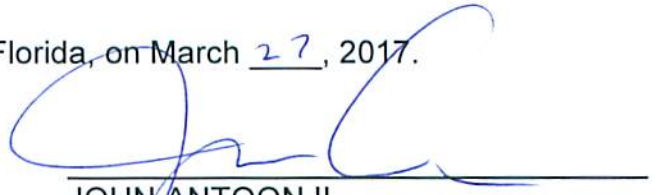
**ORDER**

This case is before the Court on Plaintiff's Motion to Dismiss Defendants' Counterclaim (Doc. No. 29). The assigned United States Magistrate Judge has submitted a Report (Doc. 35) recommending that the motion be granted. No objections to the Report and Recommendation have been filed by any party and the time to do so has passed.

After a *de novo* review of the record in this matter, the Court agrees with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation (Doc. No. 35) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Motion to Dismiss Defendants' Counterclaim (Doc. No. 29) is **GRANTED**.
3. Defendants' Counterclaim is dismissed without prejudice; Defendants may pursue the claim set forth therein, if desired, in the appropriate state forum.

**DONE** and **ORDERED** in Orlando, Florida, on March 27, 2017.



---

JOHN ANTOON II  
United States District Judge

Copies furnished to:  
United States Magistrate Judge  
Counsel of Record