

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

PANDORA JEWELRY, LLC,

Plaintiff,

v.

Case No. 8:06-cv-845-T-24 MSS

CAPPOLA CAPITAL CORPORATION
d/b/a Unodomani USA, Biagi Jewelry,
and Biagi Florida,

Defendant.

ORDER

This cause comes before the Court for consideration of Plaintiff's Motion to Strike. (Doc. No. 130, 118). Defendant opposes the motion. (Doc. No. 159). This motion was considered by the United States Magistrate Judge. Magistrate Judge Jenkins has filed her report recommending that the motion should be granted and that this Court should strike Defendant's affirmative defenses and counterclaims. (Doc. No. 168). All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b). Defendant filed its objections, and Plaintiff filed its response thereto. (Doc. No. 172, 173).

Upon consideration of the Report and Recommendation, Defendant's objections, Plaintiff's response thereto, as well as this Court's independent examination of the file, it is determined that the Report and Recommendation (Doc. No. 168) should be adopted. Additionally, the Court notes that it will no longer be addressing the invalidity affirmative defense at the hearing set for April 3, 2009, as that affirmative defenses, as well as all of the others, is now stricken.

Accordingly, it is now **ORDERED AND ADJUDGED** that:

- (1) The Magistrate Judge's Report and Recommendation (Doc. No. 168) is adopted and incorporated by reference in this Order of the Court;
- (2) Plaintiff's Motion to Strike (Doc. No. 130, 118) is **GRANTED**; and
- (3) Defendant's affirmative defenses and counterclaims are hereby stricken.

DONE AND ORDERED at Tampa, Florida, this 23rd day of March, 2009.


SUSAN C. BUCKLEW
United States District Judge

Copies to:
The Honorable Elizabeth A. Jenkins
Counsel of Record