

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

INTERNATIONAL HAIR &
BEAUTY SYSTEMS, LLC,

Plaintiff(s),

v.

Case No: 8:11-CV-1883-T-30AEP

SIMPLY ORGANIC, INC., et al.,

Defendant(s).

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Anthony E. Porcelli (Dkt. #52) and Plaintiff's Objections (Dkt. #59) thereto.

After careful consideration of the Report and Recommendation of the Magistrate Judge, the Objections, in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted in part, and modified in part.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction Against Defendants Matthew Pinto and Simply Organic, Inc. (Dkt. #3) is

GRANTED in part and DENIED in part as stated in the Magistrate Judge's Report and Recommendation (Dkt. #52).

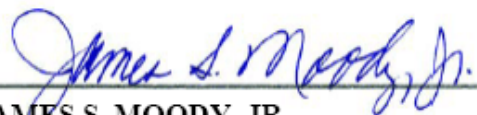
2. Plaintiff shall be required to post a bond in the amount of \$10,000, instead of the recommended \$100,000.

3. Defendant Simply Organic, Inc., Defendant Matthew Pinto, and anyone acting in concert or participation with said Defendants, specifically including any agent, employee, officer, or representative of Simply Organic Inc., and/or Matthew Pinto, are further ordered to return to International Hair & Beauty Systems, LLC's counsel any and all records, documents, and/or other types of information pertaining to Plaintiff's customer list(s), whether in original, copied, handwritten, computerized (including computer software, disks, computer hard drive and/or any other type of computer or digital information storage device), or memorialized in any other form, within forty-eight (48) hours of this Order, and to swear an oath via affidavit testifying that they have performed the same.

4. Defendants' Motion to Strike Allegations in Scott Mitchell's Affidavit (Dkt. #33) is GRANTED. Specifically, paragraphs 10, 11, 14, 22, 31, and 34 are STRICKEN from Scott Mitchell's Affidavit.

DONE and ORDERED in Tampa, Florida on November 3, 2011.

Copies Furnished to:
Counsel/Parties of Record



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

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