

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

CHARLES SMITH and DOROTHY  
CAPEZZA,

Plaintiffs,

v.

Case No: 8:15-cv-579-T-36AEP

THE VILLAGE CLUB, INC., JIM  
RUBERT, JOHN BERNDT, JOYCE  
BURTON, MICKIE CRITTENDEN and  
TAMMY WALKER,

Defendants.

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Anthony E. Porcelli on April 20, 2016 (Doc. 79). In the Report and Recommendation, Magistrate Judge Porcelli recommends that Plaintiffs' Motion to Strike Defendants' Affirmative Defenses to the Plaintiffs' Amended Complaint (Doc. 41) be GRANTED IN PART AND DENIED IN PART. 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)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

**ORDERED AND ADJUDGED:**

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 79) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

(2) Plaintiffs' Motion to Strike Defendants' Affirmative Defenses to the Plaintiffs' Amended Complaint (Doc. 41) is **GRANTED in part and DENIED in part**. Defendants' Second Affirmative Defense is stricken as immaterial. Plaintiffs' motion to strike is denied with respect to the First, Third, and Fourth Affirmative Defenses.

**DONE AND ORDERED** at Tampa, Florida on May 11, 2016.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Anthony E. Porcelli  
Counsel of Record