

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

**PRO IMAGE INSTALLERS, INC.,
Plaintiff,**

vs.

CASE NO.: 3:08cv273/MCR/MD

**BARBARA R. DILLON, DAVE OSBORNE
CONSTRUCTION CONTRACTING, INC.,
NATIONWIDE FIXTURE INSTALLATIONS, INC.,
SOUTHWEST FIXTURE INSTALLERS, INC.,
AMERICAN INSTALLATION COMPANIES, L.L.C.,
DAVID T. OSBORNE, DYNAMIC RESOURCES INC.,
and EVAN GINIGER
Defendants.**

ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on July 15, 2009, pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing objections to the Recommendation, if any, the Recommendation is adopted as the opinion of the Court.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. Defendants' motion to dismiss based on lack of personal jurisdiction and failure to comply with the pleading requirements of Fed.R.Civ.P. 8 (doc. 98) is DENIED as moot.
3. In accordance with the parties' notice of settlement (doc. 157), Counts IV, VI and VIII of the second amended complaint are dismissed with prejudice as to defendants David T. Osborne, Dave Osborne Construction Contracting, Inc.,

American Installation Companies, LLC, Nationwide Fixture Installations, Inc. and Southwest Fixture Installers, Inc. only, with each side to bear its own costs.

DONE AND ORDERED this 18th day of August, 2009.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE