

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

This cause comes on for consideration upon the magistrate judge's report and recommendation dated August 18, 2009. The plaintiff has been furnished a copy of the report and recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and I have made a de novo determination of those portions to which an objection has been made.

Having considered the report and recommendation and all objections thereto timely filed, I have determined that the report and recommendation should be adopted.

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. Defendant Evan Giniger's Motion to Dismiss Counts V, VII and IX of the Second Amended Verified Complaint of Plaintiff Pro Image Installers, Inc. under Local Rule 7.1 and Fed.R.Civ.P. 12(b)(2) (doc. 107) is DENIED as MOOT.

3. In accordance with the parties' notice of settlement (doc. 162), Counts V, VII and IX of the second amended complaint are dismissed with prejudice as to defendants Evan Giniger and Dynamic Resources, Inc. only, with each side to bear its own costs and attorneys' fees.

DONE AND ORDERED this 28th day of September, 2009.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE