

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

RJSG PROPERTIES, LLC,
Plaintiff,

v.

Case No. 3:08cv302/MCR/EMT

MARBELLA CONDOMINIUM DEVELOPERS, LLC;
STEVEN P. DELGALLO, personally;
JEFFREY V. SIREN, personally and d/b/a BEACH PROPERTIES;
MICHAEL IOVIENO, personally,
Defendants.

STEVEN P. DELGALLO,
Cross-Claimant,

v.

JEFFREY V. SIREN, and
MICHAEL IOVIENO,
Cross-Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated June 11, 2010 (Doc. 244). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any 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. DelGallo's motion for summary judgment on Counts I through III of the amended complaint (doc. 204), which Iovieno and Siren have joined, is **GRANTED** as to Defendants DelGallo, Iovieno, Siren, and Marbella.

3. RJSG's "Motion and Application for Default Judgment against Marbella Condominium Developers, LLC and Incorporated Memorandum of Law" (doc. 166) is **DENIED**, with leave to renew the motion as to Counts IV through VI of the amended complaint only.

4. DelGallo's "Amended Motion to Withhold Judgment on RJSG's Damages" (doc. 188) is **DENIED, as moot**.

5. By separate order this matter shall be set for trial on RJSG's state law claims and DelGallo's cross-claim for indemnification.

DONE AND ORDERED this 21st day of July, 2010.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE