

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

DANIEL J. LEVITAN and
PAMELA H. LEVITAN,

Plaintiffs,

v.

CASE NO.: 3:09cv321/MCR/MD

MARY ANN PATTI, MARY ANN
PATTI, LLC, MAP TITLE INSURANCE
AGENCY, LLC, KEITH P. GUTHRIE,
RAM 2000 CONTRACTORS, INC.,
DAVID MORGAN, JOHN SMITH,
CASEY CONN, MIKE AMERSON,
OLIVER JERRY GULSBY, and
JOHN DOES, 1-10,

Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated February 8, 2011. (Doc. 169). The plaintiffs 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), 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. Defendants M.A.P. Title Insurance Agency, LLC, Mary Ann Patti, LLC, and Mary Ann Patti's motion to dismiss the third amended complaint (doc. 97) is DENIED as moot.

3. Defendants Keith Guthrie, Ram 2000 Contractors, Inc., and Scenic View Properties, LLC's motion to dismiss the third amended complaint (doc. 99) is DENIED as moot.

4. The motion to file a fourth amended complaint by plaintiffs (doc. 144) is GRANTED.

5. The fourth amended complaint filed by plaintiffs (doc. 146) is DISMISSED sua sponte for the reasons set forth in the magistrate judge's report and recommendation.

6. Said dismissals are with prejudice as to Counts I, II, V, VI, VII, and without prejudice as to Counts III, IV, VIII, and IX.

7. In light of the foregoing, plaintiffs' motion for joinder (doc. 147) is DENIED as moot.

8. The clerk is directed to enter judgment accordingly and close the file. DONE AND ORDERED this 31st day of March, 2011.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE