

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

PENSACOLA MOTOR SALES,
a Florida corporation, d/b/a
BOB TYLER TOYOTA,

Plaintiff,

vs.

CASE NO. 3:09cv571/RS-MD

EASTERN SHORE TOYOTA, LLC, an
Alabama Limited Liability Company;
DAPHNE AUTOMOTIVE, LLC, an
Alabama Limited Liability Company;
SHAWN ESFAHANI, Individually;
and DAPHNE ENTERPRISES, INC.,
an Alabama corporation,

Defendants.

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ORDER

Before me is Plaintiff's Objection To The Report And Recommendation Denying Plaintiff's Motion To Compel, Or In The Alternative Motion For Reconsideration Of the Order (Doc. 74). Plaintiff's counsel incorrectly cites the *de novo* standard of review of 28 U.S.C. §636(b)(1)(B&C). The referral to the Magistrate Judge was in fact pursuant to 28 U.S.C. §636(b)(1)(A).

IT IS ORDERED that Plaintiff's Objection To The Report And Recommendation Denying Plaintiff's Motion To Compel, Or In The Alternative Motion For Reconsideration Of the Order (Doc. 74) is denied because it has not been shown that the Magistrate Judge's Order (Doc. 73) is clearly erroneous or contrary to law.

ORDERED on July 29, 2010.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE