

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 3:12cv114/MCR/CJK

KOTTEMANN LAW FIRM PLLC, et al.,

Defendants.

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ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on April 10, 2013, pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing objections to the Recommendation (doc. 50),<sup>1</sup> 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. The plaintiff United States' motion to dismiss counterclaims (doc. 37) is GRANTED.
3. The defendant Timothy Kottemann's first counterclaim for "SBA's General Powers" is DISMISSED for failure to state a claim upon which relief can be granted.
4. The defendant Timothy Kottemann's second and third counterclaims for "Selective/Malicious Prosecution" and "Defamation" are DISMISSED for lack of subject-matter jurisdiction.

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<sup>1</sup> The court considered the court decisions cited by the defendants in their opposition. The court, however, did not find them instructive. Federal, not state, law controls the court's decision in this case.

5. The defendant Timothy Kottemann's motion to dismiss (doc. 31) is DENIED.
6. This matter is referred to the magistrate judge for further proceedings.

DONE AND ORDERED this 25th day of July, 2013.

*M. Casey Rodgers*

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M. CASEY RODGERS  
CHIEF UNITED STATES DISTRICT JUDGE