

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

LIVING ASSISTANCE SERVICES, INC.,

Plaintiff,

v.

CASE NO. 3:16cv16-MCR-CJK

**CORNERSTONE VISITING ANGELS
SERVICES, LLC,**

Defendant.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated January 10, 2018. ECF No. 26. 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. Within 21 days of the date of this Order, Jason Burnett, as successor in interest to Cornerstone Visiting Angels, LLC, shall either provide proof that he has removed from the internet and other marketing materials any and all infringing material or file a release allowing plaintiff to act on his behalf to remove such material.
3. Should Mr. Burnett fail to comply with the provision above, plaintiff shall be authorized to remove any such infringing material itself.
4. Plaintiff shall recover from Jason Burnett, as successor in interest to Cornerstone Vising Angels, LLC, damages in the amount of \$56,337.11, the cost of an initial franchise fee; \$8,340.00, the cost of an annual fee for the year 2017; \$30,000.00 for loss of goodwill; and \$9,000.00 for corrective advertising, for a total award of \$103,677.00.
5. Mr. Burnett shall tender the amount set forth above to plaintiff, through plaintiff's counsel, within 21 days of the date of this Order.

6. Should plaintiff incur costs in removing infringing material, plaintiff shall submit such costs within 60 days of the date of this order, at which time the magistrate judge will determine whether the costs should be assessed against Mr. Burnett, as successor in interest to Cornerstone Visiting Angels, LLC.

7. Plaintiff shall recover from Jason Burnett, as successor in interest to Cornerstone Visiting Angels, LLC, all attorneys' fees incurred in bringing this action and shall submit the materials required by Local Rule 54.1 within 60 days of the date of this Order.

DONE AND ORDERED this 8th day of February 2018.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE