

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

DAVID RODGER WILLIAMS,
Plaintiff,

v.

Case No.: 3:16cv266/MCR/EMT

RESTAURANT TECHNOLOGIES, INC., et al.,
Defendants.

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ORDER

This cause is before the Court on consideration of the Chief Magistrate Judge's Report and Recommendation dated December 8, 2017 (ECF No. 51). 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).¹ No objections have been filed. Having considered the Report and Recommendation, and the record, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The Chief Magistrate Judge's Report and Recommendation is adopted

¹The docket reflects that the Report and Recommendation was mailed to Plaintiff and returned as not deliverable. It is Plaintiff's responsibility to maintain a current address with the Court.

and incorporated by reference in this Order.

2. The Motions to Dismiss filed by Defendant Chart Industries, Inc., (ECF No. 36) and by Defendants Restaurant Technologies, Inc., and McDonald's Corporation (ECF No. 34) are **GRANTED** only to the following extent:

a. Plaintiff's claims in Counts One through Four under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), and in Count Seven as to the claims of Common Law Fraud, Common Law Theft, Theft of Trade Secrets, and Tortious Interference, are **DISMISSED** with prejudice as barred by their applicable statutes of limitations.

b. The remainder of Plaintiff's complaint is **DISMISSED** without prejudice for failure to state a claim upon which relief can be granted.

3. Plaintiff is given **THIRTY (30) DAYS** in which to file a Third Amended Complaint that excludes the Counts and claims identified in Paragraph 1.a., above, and is otherwise filed in accordance with the Report and Recommendation, or the the case will be dismissed in its entirety.

DONE AND ORDERED this 4th day of January 2018.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE