

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

TWO MEN AND A TRUCK
INTERNATIONAL, INC., a Michigan
corporation,

Plaintiff,

v.

4:08cv67-WS

RESIDENTIAL & COMMERCIAL
TRANSPORT COMPANY, LLC, a Florida
limited liability company,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 69) docketed October 20, 2008. The magistrate judge recommends that the plaintiff's motion for an extension of time be granted and that the defendant's motion to strike the plaintiff's complaint or to preclude all evidence at trial be denied. The defendant has filed objections (doc. 72) to the report and recommendation, and the plaintiff has responded (doc. 76) to those objections.

The court having reviewed the report and recommendation as well as the parties submissions in response thereto, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 69) is ADOPTED and incorporated by reference in this order.

2. The defendant's motion for sanctions (doc. 57)—to strike the plaintiff's complaint and to preclude the plaintiff from introducing any testimonial or documentary evidence at trial—is DENIED.

3. The plaintiff's motions (docs. 52 & 54) for extension of time to file Rule 26 disclosures are GRANTED. The plaintiff's Rule 26 disclosures shall be deemed timely.

DONE AND ORDERED this 15th day of December, 2008.

s/ William Stafford _____
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE