

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**JOSHUA S. FRIEBEL and  
ELIZABETH F. FRIEBEL,  
husband and wife,**

**Plaintiffs,**

**vs.**

**CASE NO. 5:10-cv-120/RS-EMT**

**PARADISE SHORES OF BAY COUNTY,  
LLC, a Florida limited liability company;  
ROBERT E. BLACKERBY, an individual;  
MAGNUM CAPITAL, LLC, a Florida limited  
liability company; DURDEN ENTERPRISES  
II, INC., a Delaware corporation; DURDEN  
ENTERPRISES, LLC, a Florida limited  
liability company; ESTATE OF KEDRICK  
EARL DURDEN; MICHAEL EARL DURDEN,  
as Personal Representative of the Estate of  
Kedrick Earl Durden; and MH I, LLC, a Florida  
limited liability company,**

**Defendants.**

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**ORDER**

Before me is Defendants Robert E. Blackerby, Magnum Capital, LLC, and MH I, LLC's Motion for Reconsideration (Doc 65). Defendants Blackerby and Magnum Capital have been named in this suit from the beginning--May 2010. Defendant MH I, shares the same address as Defendant Magnum Capital and, thus, has been on notice of this suit for as long. The addition of MH I relates back to the date of the original pleading, Fed. R. Civ. P. 15(c)(1)(C)(ii), providing Movants with ample time to consider the case and their strategy. However, Movants chose to remain silent for more than five

months before seeking to serve a third-party complaint without explaining why such a party is indispensable.

The Motion for Reconsideration (Doc 65) is **DENIED**.

ORDERED on November 3, 2010

/S/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**