

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 08-21843-CIV-MORENO

VERONICA KELLY, individually and on behalf
of others similarly situated,,

Plaintiffs,

vs.

PALMER, REIFLER, & ASSOCIATES, P.A.

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND GRANTING SUMMARY JUDGMENT AGAINST PLAINTIFFS**

THE MATTER was referred to the Honorable Edwin G. Torres, United States Magistrate Judge for a Report and Recommendation on Plaintiffs Veronica Kelly, Lil Simon, and Ron Baum's Motion for Partial Summary Judgment on Liability for Violations of FDUTPA (**D.E. No. 119**), filed on **May 27, 2009**, and Defendant's Motion for Summary Judgment (**D.E. No. 165**), filed on **August 14, 2009**. The Magistrate Judge filed a Report and Recommendation (**D.E. No. 216**) on **October 30, 2009**. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the issues that the objections to the Magistrate Judge's Report and Recommendation present, and being otherwise fully advised in the premises, it is

ADJUDGED that United States Magistrate Judge Edwin G. Torres's Report and Recommendation (**D.E. No. 216**) is **AFFIRMED** and **ADOPTED**. Most of the the Plaintiffs' objections concern Magistrate Judge Torres's finding that Defendant did not go beyond rendering traditional legal services to its clients. The Plaintiffs rely on this Court's early discovery order

compelling Defendant to produce records over Defendant's objection that the work product immunity applied because it was engaged in the practice of law. The Court did not have the benefit of a fully-developed record at that time and, now that it does, it agrees with Magistrate Judge Torres's finding that Defendants were engaged in the practice of law. It is therefore

ADJUDGED that:

1. Plaintiffs Veronica Kelly, Lil Simon, and Ron Baum's Motion for Partial Summary on Liability for Violations of FDUTPA is DENIED.
2. Defendant Palmer, Reifler & Associates, P.A.'s Motion for Summary Judgment is GRANTED and summary judgment is entered in the Defendant's favor and against each of the Plaintiffs on all counts.
3. This case is CLOSED and all pending motions are DENIED as moot.

DONE AND ORDERED in Chambers at Miami, Florida, this 11 day of January, 2010.


FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:

United States Magistrate Judge Edwin G. Torres

Counsel of Record