

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

**Case Number:**  
**08-23188-CIV-MORENO**

CLARK S. CHENEY and JAMES C. CALKINS,

Plaintiffs,

vs.

IPD ANALYTICS, LLC, INTELLECTUAL  
PROPERTY DEVELOPMENT, INC., and  
HOWARD BENJAMIN KRASS,

Defendants.

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**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION  
ON PLAINTIFFS' MOTION TO DISMISS IPD ANALYTICS' COUNTERCLAIMS**

THE MATTER was referred to the Honorable Edwin G. Torres, United States Magistrate Judge for a Report and Recommendation on Plaintiffs' Motion to Dismiss IPD Analytics' Counterclaims (D.E. No. 62), filed on February 17, 2009. The Magistrate Judge filed a Report and Recommendation (D.E. No. 101) on April 16, 2009. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the issues and notes that no objections to the Magistrate Judge's Report and Recommendation were filed. 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. 101) on April 16, 2009 is **AFFIRMED** and **ADOPTED**. Accordingly, it is

**ADJUDGED** that:

- (1) Plaintiffs' Motion to Dismiss Counts I and II of the Counterclaim is DENIED;
- (2) Plaintiffs' Motion to Dismiss Counts III is GRANTED and DISMISSED without prejudice;
- (3) Plaintiffs' Motion to Dismiss Count IV is GRANTED and DISMISSED without prejudice.

DONE AND ORDERED in Chambers at Miami, Florida, this 7<sup>th</sup> day of May, 2009.

  
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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies provided to:

United States Magistrate Judge Edwin G. Torres

Counsel of Record