

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.

**ORDER ADOPTING IN PART MAGISTRATE'S REPORT AND RECOMMENDATION
ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

THE MATTER was referred to the Honorable Edwin G. Torres, United States Magistrate Judge for a Report and Recommendation on Plaintiff James C. Calkins's Motion for Summary Judgment on Count XIV of the Second Amended Complaint and Counts III-IV of the Counterclaim (D.E. No. 114), filed on May 5, 2009. The Magistrate Judge filed a Report and Recommendation (D.E. No. 243) on August 28, 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. 243) on August 28, 2009 is **AFFIRMED IN PART** and **ADOPTED IN PART**. It is

ADJUDGED that:

- (1) Plaintiff's Motion for Summary Judgment on Count XIV of the Amended Complaint

is DENIED;

(2) The Court DEFERS its ruling on Plaintiff's Motion for Summary Judgment on Count III of the Amended Counterclaim;

(3) Plaintiff's Motion for Summary Judgment on Count V of the Amended Counterclaim is DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 26th day of November, 2009.



FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:

United States Magistrate Judge Edwin G. Torres

Counsel of Record