

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

Case Number:
09-20588-CIV-MORENO

ELANDIA INTERNATIONAL, INC.,

Plaintiff,

vs.

SIR JAMES AH KOY, MICHAEL AH KOY,
KELTON INVESTMENTS LTD., and DATEC
GROUP LTD.,

Defendants.

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION
AND GRANTING IN PART AND DENYING IN PART SUMMARY JUDGMENT**

THE MATTER was referred to the Honorable Edwin G. Torres, United States Magistrate Judge for a Report and Recommendation on Defendants' Motion for Partial Summary Judgment on Plaintiff's Claims for Lack of Standing and Absence of Real Party in Interest (**D.E. No. 68**), filed on **October 9, 2009**. The Magistrate Judge filed a Report and Recommendation (**D.E. No. 85**) on **February 22, 2010**. The Court has reviewed the entire file and record. 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. 85**) on **February 22, 2010** is **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that:

(1) Defendants' Motion for Summary Judgment on Counts I-III, VI-VII, and X is DENIED.

(2) Defendants' Motion for Summary Judgment on Count XI is GRANTED, and summary judgment is ENTERED against Plaintiff eLandia and in favor of Defendants on the Count XI tortious interference claim. Additionally, it is

ADJUDGED that Plaintiff's request to be allowed to amend its Complaint is DENIED. In its Response to the Motion for Summary Judgment (D.E. No. 72 at 19), Plaintiff eLandia requested that it be given an opportunity to amend its Complaint if the Court were to grant summary judgment in favor of Defendants. The Court denies this request as trial is set to begin soon, on August 2, 2010.

DONE AND ORDERED in Chambers at Miami, Florida, this 15 day of June, 2010.



FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:

United States Magistrate Judge Edwin G. Torres

Counsel of Record