

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 10-23402-CIV-HUCK/O'SULLIVAN

DUNKIN' DONUTS FRANCHISED  
RESTAURANTS LLC, et al.,

Plaintiffs,

vs.

COFFEE AND..., INC., et al,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

THIS MATTER is before the Court on Plaintiffs' Motion to Enforce Order Approving Settlement Agreement (D.E. #13), filed February 15, 2011, and Plaintiffs' Supplement to Motion to Enforce Order Approving Settlement Agreement (D.E. #18), filed March 17, 2011. On March 30, 2010, Magistrate Judge John O'Sullivan entered a Report and Recommendation (D.E. #22), in which he recommended that Plaintiffs' Motion be granted. Judge O'Sullivan recommended that the Court enter an order requiring Defendants to comply with the Settlement Agreement, the Preliminary Injunction as it relates to PC 334694, and the post-termination obligations set forth in the Franchise Agreement. Judge O'Sullivan also recommended that if Defendants fail to do so, the Court enter an order to show cause why Defendants<sup>1</sup> should not be held in contempt. Judge O'Sullivan further recommended that the Court allow Plaintiffs to submit affidavits to support the amounts owed as of the date of compliance with the Preliminary Injunction and stipulated to in the Settlement agreement. Finally, Judge O'Sullivan recommended that the Court retain jurisdiction to enter the final judgement provided for in paragraph 6 of the Settlement Agreement and to provide any additional


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<sup>1</sup> The Report and Recommendation inadvertently states that "the Court enter an order to show cause why the *Plaintiffs* should not be held in contempt." D.E. # 22 at 2, 3 (emphasis added). It is clear from the remainder of the Report and Recommendation, as well as Plaintiff's underlying motion, that Judge O'Sullivan intended to recommend that the Court enter an order requiring the *Defendants* to show cause why they should not be held in contempt, if the Defendants failed to comply. See D.E. # 13 at 4.

relief the Court deems just and proper. No objections to the Report and Recommendation have been filed. The Court has independently reviewed the Report and Recommendation, the pertinent portions of the record, and is otherwise duly advised. Accordingly, it is hereby

ORDERED that the Court ADOPTS the findings of fact and conclusions in the Report and Recommendation (D.E. #22). Plaintiffs' Motion to Enforce Order Approving Settlement Agreement is GRANTED consistent with the conclusions and recommendations set forth in the Report and Recommendation.

DONE and ORDERED in Chambers, Miami, Florida, April 20, 2010.



Paul C. Huck  
United States District Judge

Copies furnished to:  
Magistrate Judge John J. O'Sullivan  
All Counsel of Record