

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.06-80899-Civ-Hurley/Hopkins

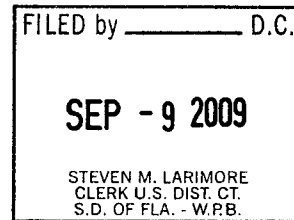
ACCESS FOR THE DISABLED, INC.,
PATRICIA KENNEDY, and
SHEILA TRITT,

Plaintiffs,

vs.

FFH, INC.,

Defendant.



**REPORT AND RECOMMENDATION AS TO PLAINTIFFS' MOTION TO HOLD
DEFENDANT IN CONTEMPT (DE 29)**

THIS CAUSE has come before the undersigned upon an Order referring Plaintiffs' Motion to Hold Defendant in Contempt for Failure to Comply with Court's Order Granting Motion to Strike Defendant's Notice of Compliance¹ for a Report and Recommendation. (DEs 29, 30).


This Court had scheduled the matter for an evidentiary hearing on September 9, 2009. (DE 41). However, such hearing was cancelled at the request of the parties, upon their filing of a Proposed Amended Final Judgment and Permanent Injunction. (DE 47, 48). Because the parties represent that they have resolved the matter and request the Court to enter the Proposed Amended Final Judgment and Permanent Injunction, this Court **RECOMMENDS** that the District Court **DENY** Plaintiffs' Motion to Hold Defendant in Contempt (DE 29) as moot.

NOTICE OF RIGHT TO OBJECT

¹ The District Court has construed Plaintiff's motion as renewed motion to hold Defendant in contempt for not complying with the default judgment granting injunctive relief. (DE 30, pg. 1).

A party shall serve and file written objections, if any, to this Report and Recommendation with the Honorable Daniel T. K. Hurley, United States District Court Judge for the Southern District of Florida, within ten (10) days of being served with a copy of this Report and Recommendation. *See* 28 U.S.C. § 636(b)(1)(C); *United States v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982), *cert. denied*, 460 U.S. 1087 (1983). Failure to timely file objections shall bar the parties from attacking on appeal the factual findings contained herein. *See LoConte v. Dugger*, 847 F.2d 745 (11th Cir. 1988), *cert. denied*, 488 U.S. 958 (1988); *RTC v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993).

DONE and SUBMITTED in Chambers this 9 day of September 9, 2009, at West Palm Beach in the Southern District of Florida.



JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

Copies to:
counsel of record