UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES H. FISCHER,

Plaintiff,

-v-

STEPHEN T. FORREST, SANDRA F. FORREST, SHANE R. GEBAUER, BRUSHY MOUNTAIN BEE FARM, INC.

Defendants.

14 Civ. 1304 (PAE)

14 Civ. 1307 (PAE)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

This Opinion & Order adopts two Reports and Recommendations ("R&R") issued by the Honorable Henry B. Pitman, Magistrate Judge.

On December 18, 2015, Judge Pitman issued the first R&R. 14 Civ. 1304, Dkt. 87; 14 Civ. 1307, Dkt, 110 ("R&R #1"). This R&R addressed defendants' motion to dismiss the Second Amended Complaint in each of the above captioned actions. *See* 14 Civ. 1304, Dkt. 55; 14 Civ. 1307, Dkt, 75. Because Judge Pitman granted plaintiff's motion to serve a Third Amended Complaint in each action, 14 Civ. 1304, Dkt. 86; 14 Civ. 1307, Dkt, 109, he recommended that the motions to dismiss the Second Amended Complaint be denied without prejudice as moot, R&R #1, at 1–2.

On January 8, 2016, Judge Pitman issued the second R&R. 14 Civ. 1304, Dkt. 91; 14 Civ. 1307, Dkt, 112 ("R&R #2"). This R&R addressed plaintiff's motion to strike answers and affirmative defenses filed by defendants in response to the Second Amended Complaint. *See* 14 Civ. 1304, Dkt. 54; 14 Civ. 1307, Dkt, 74. Because Judge Pitman granted plaintiff's motion to

serve a Third Amended Complaint in each action, and the Third Amended Complaint will require an amended answer or motion from the defendants, he recommended that the motions to strike be denied without prejudice as moot. R&R #2, at 1–2.

Both R&Rs instructed the parties that they had 14 days to file objections. No party filed any such objections.

This Court therefore adopts R&R #1 and R&R #2 in full, and for the reasons stated therein, denies defendants' motion to dismiss the Second Amended Complaint without prejudice as moot, and denies plaintiff's motion to strike defendants' answers and affirmative defenses asserted with respect to the Second Amended Complaint as moot.

The Clerk of Court is respectfully directed to close the motions pending in 14 Civ. 1304 at dockets 54 & 55, and in 14 Civ. 1307 at dockets 74 & 75.

SO ORDERED.

Paul A. Engelmayer
United States District Judge

Dated: February 16, 2016
New York, New York