

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS W. SPAUDE, et al.,)	CASE NO. 16CV1836
)	
Plaintiffs,)	JUDGE DONALD C. NUGENT
)	
vs.)	
)	
PAUL MYSYK, et al.,)	<u>ORDER ADOPTING REPORT AND</u>
)	<u>RECOMMENDATION</u>
Defendants.)	

This matter is before the Court upon Magistrate Judge David A. Ruiz’s Report and Recommendation, which was issued February 2, 2018. (ECF #87). Plaintiffs filed an Objection on February 16, 2018. (ECF #89). For the reasons set forth below, the Report and Recommendation is ADOPTED.

On September 22, 2017, this Court adopted a Report and Recommendation issued by Magistrate Judge Ruiz, which dismissed all claims against Defendants, Robert O’Bannon “Mr. O’Bannon”) and Beverly Vilardefsky (“Ms. Vilardefsky”) alleging they violated the California Blue Sky Law by committing securities fraud. (ECF #51). Plaintiffs’ have filed a Motion to Vacate Judgment and Leave to File Amended Complaint against Mr. O’Bannon and Ms. Vilardefsky. (ECF #58). Defendants filed a memorandum in opposition, (ECF #63), and Plaintiffs filed a reply in support (ECF #64).

Magistrate Judge Ruiz recommends denying the motion to vacate, finding that “Plaintiffs have failed to demonstrate that their alleged new evidence was unavailable to them prior to the

ruling on Defendants' Motion to Dismiss." (ECF #87, p. 8). This Court agrees with Magistrate Judge Ruiz's analysis, and therefore, adopts the Report and Recommendation in its entirety.

This Court has reviewed the Report and Recommendation of this case de novo, *see Massey v. City of Ferndale*, 7 F.3d 506 (6th Cir. 1993), and has considered all of the pleadings, affidavits, motions, and filings of the parties. After careful evaluation, this Court finds that Magistrate Ruiz's Report and Recommendation is thorough, well-written, well-supported and correct. This Court, therefore, adopts the findings of fact and conclusions of law of the Magistrate Judge as its own.

For the foregoing reasons, the Report and Recommendation of Magistrate Judge Ruiz is hereby ADOPTED, and Plaintiffs' Motion to Vacate and for Leave to Amend Complaint (ECF #58), is DENIED.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: February 28, 2018