

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

GRADILLAS COURT REPORTERS, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 2:17cv597

CHERRY BEKAERT, LLP, et al.,

Defendants.

FINAL ORDER

This matter comes before the court on the parties' Objections to the United States Magistrate Judge's Report and Recommendation ("R&R"). Cherry Bekaert, LLP, and Sara Crabtree ("Defendants") filed a Motion for Summary Judgment ("Motion") and accompanying Memorandum in Support, on July 17, 2018. ECF Nos. 62, 63. Gradillas Court Reporters, Inc. ("Plaintiff") filed a Memorandum in Opposition on July 31, 2018, ECF No. 64, and Defendants filed a Reply on August 6, 2018, ECF No. 70. On August 7, 2018, this court referred the Motion to United States Magistrate Judge Robert J. Krask, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for disposition of the Motion. ECF No. 71.

A hearing was held on October 16, 2018, and the Magistrate Judge filed the R&R on Defendants' Motion on November 6, 2018. ECF No. 89. The R&R recommends that Defendants' Motion be granted. R&R at 34. The parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. Id. at 34-35. Plaintiff filed Objections on November 20, 2018. ECF No. 94, and Defendants responded to Plaintiff's Objections on December 4, 2018, ECF No. 97. Defendants filed an Objection on November 20, 2018, ECF No. 95, and Plaintiff responded to Defendants' Objection on December 4, 2018, ECF No. 96.

Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, the court, having reviewed the record in its entirety, shall make a de novo determination of those portions of the R&R to which the parties have specifically objected. Fed. R. Civ. P. 72(b). The court may accept, reject or modify, in whole or in part, the recommendation of the magistrate judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1).

The court, having examined the parties' Objections to the R&R, and having made de novo findings with respect thereto, **ADOPTS AND APPROVES IN FULL** the findings and recommendations set forth in the R&R of the United States Magistrate Judge, filed on November 6, 2018. ECF No. 89. Accordingly, Plaintiff's Objections are **OVERRULED**, Defendants' Objection is **OVERRULED**, and Defendants'

Motion for Summary Judgment is **GRANTED**. Because the court concludes that Defendants are entitled to summary judgment, Defendants' Motion to Strike Expert Reports of Wilson, Ritter, and Schulze, and to Preclude their Testimony at Trial, ECF No. 85, is **DENIED AS MOOT**. Plaintiff's suit is **DISMISSED WITH PREJUDICE** as to all counts. The Clerk shall enter final judgment in favor of Defendants in accordance with this Final Order.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

**IT IS SO ORDERED.**

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Rebecca Beach Smith  
United States District Judge *RBS*

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REBECCA BEACH SMITH  
DISTRICT JUDGE

December *14*, 2018