

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 9:18-CV-80311-ROSENBERG/REINHART**

DIAMOND RESORTS INTERNATIONAL, INC.,  
et al.,

Plaintiffs,

v.

US CONSUMER ATTORNEYS, P.A., et al.,

Defendants.

---

**OMNIBUS ORDER ADOPTING MAGISTRATE'S REPORT AND  
RECOMMENDATIONS, GRANTING MOTION FOR LEAVE TO FILE  
THIRD AMENDED COMPLAINT, AND DENYING MOTION TO STAY AS MOOT**

**THIS CAUSE** is before the Court upon the Defendants' Motions to Dismiss, filed at DE 209 and 211, which the Court previously referred to Magistrate Judge Reinhart for a Report and Recommendation at DE 220. Both Motions are fully briefed. *See* Responses at DE 215, DE 216; Replies at DE 217, DE 218. Judge Reinhart issued an initial Report and Recommendation at DE 228, to which Objections were filed at DE 233 and DE 234. In light of the Objections and intervening case law, the Court re-referred the Motions to Dismiss to Judge Reinhart to issue a supplemental Report and Recommendation as he deemed appropriate. DE 246. Judge Reinhart requested additional briefing from Plaintiffs at DE 250, to which Plaintiffs responded at DE 254. Judge Reinhart then issued his Amended Report and Recommendation at DE 258. Defendants have filed objections at DE 260 and DE 261, and Plaintiffs responded to the Objections at DE 267.

In addition, Plaintiffs have filed a Motion for Leave to File a Third Amended Complaint, DE 262, and a Motion to Stay the Court's rulings on the Amended Report and

Recommendations, pending the Court's determination on the Motion for Leave to File a Third Amended Complaint, DE 263.

The Court has conducted a *de novo* review of Judge Reinhart's Amended Report and Recommendation, the briefing outlined above, the record, and is otherwise fully advised in the premises. The Court has considered the Report first, before addressing the Motion for Leave to File a Third Amended Complaint in recognition of the extensive attorney and judicial resources already expended on the two Motions to Dismiss. Upon review, the Court finds Judge Reinhart's recommendations to be well reasoned and correct, and therefore overrules Defendants' objections to the Report for all of the reasons stated in the Plaintiffs' responses to Defendants' objections to the Report, DE 267. The Court agrees with the analysis in Judge Reinhart's R&R and concludes that Judge Reinhart's conclusions should be **ADOPTED**, and the Motions to Dismiss are therefore **DENIED**.


However, the Court agrees with Plaintiffs that the proposed Third Amended Complaint will streamline the litigation of this case. As a result, the Court **GRANTS** Plaintiffs' Motion for Leave to File a Third Amended Complaint, DE 262. In responding to the Third Amended Complaint, the Defendants are cautioned that Judge Reinhart's Amended Report and this Court's Order now constitute the law of the case; any further motion practice on the pleadings may not relitigate any issues decided in the Amended Report, adopted herein.

For the foregoing reasons, it is hereby **ORDERED and ADJUDGED** as follows:

1. Magistrate Judge Reinhart's Amended Report and Recommendations [DE 258] is hereby **ADOPTED**.
2. The Motions to Dismiss [DE 209; DE 211] are **DENIED**.
3. The Motion to Amend [DE 262] is **GRANTED**. Plaintiffs must separately refile the Third Amended Complaint and title their filing as such by no later than July 31, 2019.

4. The Motion to Stay [DE 263] is **DENIED AS MOOT**.

**DONE and ORDERED** in Chambers, West Palm Beach, Florida, this 30th day of July,  
2019.



ROBIN L. ROSENBERG  
UNITED STATES DISTRICT JUDGE

Copies furnished to Counsel of Record