

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 97-2806-CIV-MORENO

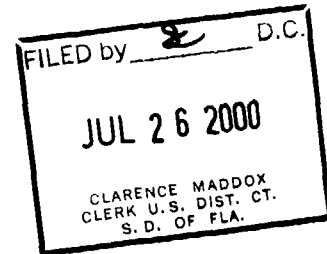
MARK OSTERBACK, et al.,

Plaintiffs,

vs.

HARRY K. SINGLETARY, JR., et al.,

Defendants.



**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION  
AND OVERRULING DEFENDANTS' OBJECTIONS**

THE MATTER was referred to the Honorable Charlene H. Sorrentino, United States Magistrate Judge, for a Report and Recommendation on Defendant's Motion to Dismiss and Require Plaintiffs to Refile under New Case Number (**docket no. 93**), filed on **December 1, 1999**, and Plaintiff's Motion for Class Certification (**docket no. 101**), filed on **January 25, 2000**. The Magistrate Judge filed a Report and Recommendation on June 16, 2000<sup>1</sup>, and recommended that the motion to dismiss and require Plaintiffs to refile a new case be denied, and that the motion to certify the class be granted. The Court has reviewed the entire file and record. The Court has made a de novo review of the issues that the objections to the Magistrate Judge's Report and Recommendation present, and being otherwise fully advised in the premises, it is

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<sup>1</sup>Magistrate Judge Sorrentino filed an amendment to the Report in which she corrected a typographical error that resulted in the omission of the last two words in the report. The amendment reflects the Magistrate Judge's recommendation that the motion for class certification be granted.

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ADJUDGED that United States Magistrate Judge Charlene H. Sorrentino's Report and Recommendation is ADOPTED. Therefore, it is

ADJUDGED that the motion to dismiss require Plaintiffs to refile a new case (d.e. #93) is DENIED. It is also

ADJUDGED that the motion to certify the class (d.e. #101) is GRANTED. Finally, it is

ADJUDGED that the Defendants' objections (d.e. # 118) are OVERRULED.

DONE AND ORDERED in Chambers at Miami, Florida, this 25<sup>th</sup> day of July, 2000.

  
FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

copies provided:

U.S. Magistrate Judge Charlene H. Sorrentino

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