

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FIRST TRANSIT, INC.,

Plaintiff,

v.

Case No: 8:17-cv-814-T-36MAP

PINELLAS SUNCOAST TRANSIT  
AUTHORITY and JOLLEY TROLLEY  
TRANSPORTATION OF CLEARWATER,  
INC.,

Defendants.

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Mark A. Pizzo on October 30, 2017 (Doc. 83). In the Report and Recommendation, Magistrate Judge Pizzo recommends that: (1) Pinellas Suncoast Transit Authority's and Jolley Trolley's motions to dismiss for lack of subject matter jurisdiction (Docs. 59, 60) be GRANTED; and (2) First Transit's motion for preliminary injunction (Doc. 62) be DENIED. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

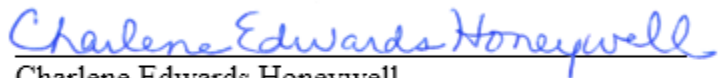
Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

**ORDERED AND ADJUDGED:**

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 83) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

- (2) Defendant, Pinellas Suncoast Transit Authority's Motion to Dismiss Amended Complaint (Doc. 59) is GRANTED, as the Court lacks subject matter jurisdiction over Plaintiff's claims.
- (3) Defendant, Jolley Trolley Transportation of Clearwater, Inc.'s Motion to Dismiss Plaintiff's Amended Complaint (Doc. 60) is GRANTED, as the Court lacks subject matter jurisdiction over Plaintiff's claims.
- (4) Plaintiff's Renewed and Amended Motion for Preliminary Injunction (Doc. 62) is DENIED.
- (5) The Clerk is directed to terminate all pending motions and deadlines and close this case.

**DONE AND ORDERED** at Tampa, Florida on November 21, 2017.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Mark A. Pizzo  
Counsel of Record