

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

KINGHORN MEDICAL LLC, d/b/a  
MOUNTAIN BRACE SYSTEMS,

Plaintiff,

v.

Case No: 8:23-cv-1308-CEH-AAS

NATIONAL DME LLC, d/b/a  
BRACEFIT,

Defendant.

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**ORDER**

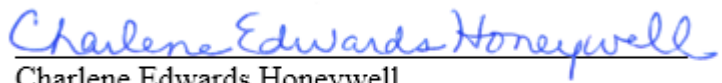
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Amanda Arnold Sansone on January 30, 2024 (Doc. 52). In the Report and Recommendation, Magistrate Judge Sansone recommends that Defendant Bracefit's motion to dismiss (Doc. 18) be GRANTED-in-part and DENIED-in-part. 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. 52) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Defendant Bracefit's motion to dismiss (Doc. 18) is **GRANTED** as to Count I and **DENIED** as to Count III, Count IV, and Count V.
- (3) Plaintiff is granted leave to file an amended complaint on or before, **March 19, 2024**, which cures the deficiencies discussed in the Report and Recommendation as to Count I. Failure to file an amended complaint within this time period will result in this case proceeding on the remaining counts of the complaint.

**DONE AND ORDERED** at Tampa, Florida on March 5, 2024.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Amanda Arnold Sansone  
Counsel of Record