

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADIDAS AMERICA, INC., AND ADIDAS	:	
AG,	:	
	:	
Plaintiffs,	:	21-cv-5615 (JSR)
	:	
-v-	:	<u>ORDER</u>
	:	
THOM BROWNE INC.,	:	
	:	
Defendant.	:	
-----	x	

JED S. RAKOFF, U.S.D.J.

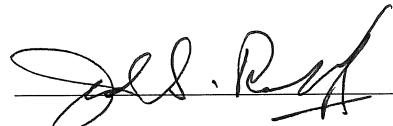
On September 21, 2022, the Honorable Robert W. Lehrburger, United States Magistrate Judge, issued a detailed Report and Recommendation in the above-captioned matter recommending that plaintiffs' motion to dismiss defendant's counterclaim pursuant to Fed. R. Civ. P. 12(b)(6) and strike defendant's first, ninth, and twelfth affirmative defenses pursuant to Fed. R. Civ. P. 12(f) be granted in part and denied in part. Defendant timely filed its objection on October 5, 2022. Plaintiffs timely responded to defendant's objection on October 10, 2022. The Court has reviewed the record and the issues de novo.

Having done so, the Court finds itself in complete agreement with Magistrate Judge Lehrburger's Report and Recommendation. Accordingly, the Court grants plaintiffs' motion to dismiss the defendant's counterclaim, grants plaintiffs' motion to strike

defendant's twelfth affirmative defense, grants plaintiffs' motion to strike defendant's ninth affirmative defense except for that portion of that defense which reads "adidas suffered no harm or damages," and denies plaintiffs' motion to dismiss defendant's first affirmative defense. Defendant's counterclaim is dismissed with prejudice. The Clerk of the Court is respectfully directed to close ECF No. 52 on the docket.

SO ORDERED.

Dated: New York, NY
October 18, 2022


JED S. RAKOFF, U.S.D.J.