UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

WAUSAU UNDERWRITERS INSURANCE COMPANY,

Plaintiff,

v. Case No. 3:17-cv-723-J-34JBT

ECONOSWEEP & MAINTENANCE SERVICES, INC., et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 33; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on November 30, 2017. In the Report, Judge Toomey recommends that Defendant American Empire Surplus Lines Insurance Company's Motion to Dismiss Plaintiff's Complaint (Dkt. No. 5) be denied. See Report at 1, 7. No objections to the Report have been filed, and the time for doing so has passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of fact are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994);

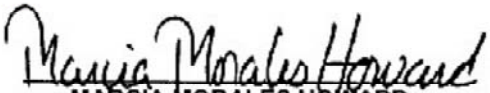
United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615 at *1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 33) is **ADOPTED** as the opinion of the Court.
2. Defendant American Empire Surplus Lines Insurance Company's Motion to Dismiss Plaintiff's Complaint (Dkt. No. 5) is **DENIED**.
3. Defendant American Empire Surplus Lines Insurance Company shall respond to the Complaint in accordance with the requirements of Rule 12 of the Federal Rules of Civil Procedure.

DONE AND ORDERED in Jacksonville, Florida this 12th day of January, 2018.



MARCIA MORALES HOWARD
United States District Judge

ja

Copies to:

Counsel of Record