

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

SURGERY CENTER OF VIERA, LLC,

Plaintiff,

v.

Case No: 6:17-cv-753-Orl-40DCI

ROCKWELL COLLINS, INC.,
WELLMARK, INC., ROCKWELL
COLLINS, INC. EMPLOYEE HEALTH
PLAN and ROCKWELL COLLINS
EMPLOYEE BENEFIT PLAN
COMMITTEE,

Defendants.

_____ /

ORDER

This cause is before the Court on Defendants Rockwell Collins, Inc., Rockwell Collins, Inc. Employee Health Plan, and Rockwell Collins Employee Benefit Plan Committee's Motion to Dismiss (Doc. 29) filed on November 13, 2017 and Defendant Wellmark, Inc., d/b/a Wellmark Blue Cross and Blue Shield of Iowa's Motion to Dismiss (Doc. 44) filed on November 13, 2017. The United States Magistrate Judge has submitted a report recommending that the motions be granted.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed¹, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

¹ Copies were mailed to one of Plaintiff's counsel, Thomas Loucks, however, an additional three days under Fed. R. Civ. P. 6(e) is not necessary as Plaintiff's remaining counsel received electronic notice.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed January 31, 2018 (Doc. 62), is **ADOPTED** and **CONFIRMED** and made a part of this Order.
 2. Defendants Rockwell Collins, Inc., Rockwell Collins, Inc. Employee Health Plan, and Rockwell Collins Employee Benefit Plan Committee's Motion to Dismiss (Doc. 29) is **GRANTED**.
 3. Defendant Wellmark, Inc., d/b/a Wellmark Blue Cross and Blue Shield of Iowa's Motion to Dismiss Motion to Dismiss (Doc. 44) is **GRANTED**.
 4. The Amended Complaint (Doc. 27) is **DISMISSED with prejudice**.
 5. The Clerk is **DIRECTED** to close the file.
- DONE AND ORDERED** in Orlando, Florida on February 15, 2018.


PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties