

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

SURGERY CENTER OF VIERA, LLC,

Plaintiff,

v.

Case No: 6:17-cv-755-Orl-40DCI

UNITED LAUNCH ALLIANCE LLC, THE
UNITED LAUNCH ALLIANCE HEALTH
& WELFARE BENEFITS PLAN FOR
ACTIVE EMPLOYEES, ULA
ADMINISTRATIVE COMMITTEE and
ROCKY MOUNTAIN HOSPITAL AND
MEDICAL SERVICES, INC.,

Defendants.

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ORDER

This cause is before the Court on Defendant Rocky Mountain Hospital and Medical Services, Inc. d/b/a Anthem Blue Cross and Blue Shield's Motion to Dismiss Second Amended Complaint (Doc. 41) filed on November 27, 2017 and Defendants, United Launch Alliance, LLC, the United Launch Alliance Health & Welfare Benefits Plan for Active Employees, and ULA Administrative Committees' Motion to Dismiss Second Amended Complaint (Doc. 45) filed on December 11, 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.

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

1. The Report and Recommendation filed January 31, 2018 (Doc. 56), is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Defendant Rocky Mountain Hospital and Medical Services, Inc. d/b/a Anthem Blue Cross and Blue Shield's Motion to Dismiss Second Amended Complaint (Doc. 41) is **GRANTED**.

3. Defendants, United Launch Alliance, LLC, the United Launch Alliance Health & Welfare Benefits Plan for Active Employees, and ULA Administrative Committees' Motion to Dismiss Second Amended Complaint (Doc. 45) is **GRANTED**.

4. Plaintiff's Second Amended Complaint (Doc. 33) 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

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.

Unrepresented Parties