

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

CATHY PACK, as Personal Representative
of the Estate of Ronald Alexander Howard, II,
Deceased,

Plaintiff,

Case No. 3:17-cv-778-J-34JBT

vs.

DR. MARTIN I. HOLZMAN, MD, et al.,

Defendants.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 224; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on December 5, 2018. In the Report, Judge Toomey recommends that the Motion filed by Dr. Fares (Dkt. No. 197) be denied; that Dr. Fares be directed to answer the Second Amended Complaint (Dkt. No. 179) within twenty days; that the Motions filed by Dr. Montoya (Dkt. No. 184), Dr. Holzman (Dkt. No. 187), Dr. Contarini (Dkt. No. 186), and the Administrators (Dkt. No. 198) be granted; and that Counts II, III, IV, and XI of the Second Amended Complaint be dismissed with prejudice. See Report at 2, 26. 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 finding or recommendations by the magistrate judge.” 28 U.S.C. § 636(b). If no specific objections to findings of facts 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. 224) is **ADOPTED** as the opinion of the Court.
2. Defendant Joseph Fares, M.D.'s Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. No. 197) is **DENIED**.
3. Defendant Joseph Fares, M.D. shall have up to and including **January 22, 2019**, to file an answer to the Second Amended Complaint (Dkt. No. 179).
4. Defendant Vernon Montoya, M.D.'s Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. No. 184) is **GRANTED**.
5. Defendant Martin I. Holzman, M.D.'s Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. No. 187) is **GRANTED**.
6. Defendant Osvaldo Contarini, M.D.'s Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. No. 186) is **GRANTED**.
7. Defendants Julie L. Jones, Thomas Reimers, and Dr. Olugbenga Ogunsanwo's Motion to Dismiss Count XI of the Second Amended Complaint (Dkt. No. 198) is **GRANTED**.

8. Counts II, III, IV, and XI of the Second Amended Complaint (Dkt. No. 179) are
DISMISSED with prejudice.

DONE AND ORDERED in Jacksonville, Florida, this 2nd day of January, 2019.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record