

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

SOUTHERN BAPTIST HOSPITAL OF  
FLORIDA, INC., etc.,

Plaintiff,

v.

Case No. 3:17-cv-1214-J-34JBT

CELTIC INSURANCE COMPANY,  
d/b/a Ambetter From Sunshine Health,

Defendant.

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**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation (Dkt. No. 25; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on June 1, 2018. In the Report, Judge Toomey recommends that Defendant's Motion to Dismiss, Alternative Motion to Strike Demand for Attorneys' Fees (Counts III & IV) (Dkt. No. 9; Motion) be granted in part and denied in part. See Report at 1, 11. 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. 25) is **ADOPTED** as the opinion of the Court.
2. Defendant's Motion to Dismiss, Alternative Motion to Strike Demand for Attorneys' Fees (Counts III & IV) (Dkt. No. 9) is **GRANTED, in part, and DENIED, in part.**
3. The Motion is **GRANTED** to the extent that Counts I, II, and V of the Complaint are **DISMISSED without prejudice**, and the requests for attorneys' fees in Counts III and IV are **STRICKEN**.
4. Otherwise, the Motion is **DENIED**.
5. Plaintiff shall have up to and including **July 26, 2018**, to file an Amended Complaint.

**DONE AND ORDERED** in Jacksonville, Florida, this 5th day of July, 2018.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record