PATRICIA KENNEDY,

      Plaintiff,

v.   Case No. 6:17-cv-2014-Orl-37TBS

ORLTELL, LLC,

      Defendant.

_____

ORDER

Plaintiff initiated this action against Defendant alleging that it violated the Americans with Disabilities Act ("**ADA**"). (Doc. 1.) Plaintiff filed proof of service (Doc. 10), but Defendant has yet to appear in this action. So Plaintiff sought entry of default, which the Clerk entered on February 2, 2018. (Doc. 12.) Thereafter, Plaintiff moved for default judgment and for attorney fees and costs. (Doc. 13 ("**Motion**").) On referral, U.S. Magistrate Judge Thomas B. Smith, recommends that the Court deny the Motion. (Doc. 14 ("**R&R**").)

As grounds, Magistrate Judge Smith identifies numerous deficiencies in the Complaint that preclude the entry of default judgment, namely insufficient and conclusory allegations concerning how Defendant has violated the ADA. (*See id.* at 4–5.) No party objected to the R&R, and the time for doing so has now passed.[1] Absent

---

[1] Plaintiff filed her Amended Complaint on February 26, 2018 (Doc. 15), presumably to address the deficiencies identified in the R&R.

objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 14) is **ADOPTED, CONFIRMED,** and made a part of this Order.

2. Plaintiff's Motion for Entry of Judgment after Default and Verified Application for Attorney Fees, Costs, Expert Fees and Litigation Expenses with Memorandum of Law in Support (Doc. 13) is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on March 5, 2018.

ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record