

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**KAREN ANDREAS-MOSES,**  
*on behalf of herself and all others similarly situated,*

**Plaintiffs,**

**v.**

**5:16-CV-1387 (BKS/DEP)**

**HARTFORD FIRE INSURANCE COMPANY,**

**Defendant.**

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**Appearances:**

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**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Presently pending before this Court is Defendant Hartford Fire Insurance Company's motion to dismiss, transfer, or stay this action in accordance with the "first-filed" rule. (Dkt. No. 32). This matter was assigned to United States Magistrate Judge David E. Peebles, who, on October 30, 2017, issued a Report and Recommendation, recommending that this motion be granted and that this matter be transferred to the United States District Court for the Middle District of Florida. With respect to two remaining pending motions (Dkt. Nos. 31, 33), Magistrate Judge Peebles recommended that a ruling be deferred for resolution by the transferee court. Magistrate Judge Peebles informed the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 56, pp. 16-17). No objections to the Report and Recommendation have been filed.

As no objections to the Report and Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Court adopts it in its entirety.

For these reasons, it is

**ORDERED** that the Report and Recommendation (Dkt. No. 56) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendant's motion to transfer this action (Dkt. No. 32) is **GRANTED**, and that this matter is transferred to the United States District Court for the Middle District of Florida; and it is further

**ORDERED** that a ruling on the remaining three pending motions (Dkt. Nos. 31, 33, and 55) is deferred to permit resolution of those motions by the transferee court in in the Middle District of Florida.

**IT IS SO ORDERED.**

**Dated: November 22, 2017**

  
Brenda K. Sannes  
U.S. District Judge