

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ENDURANCE AMERICAN SPECIALTY  
INSURANCE COMPANY,

Plaintiff,

v.

Case No. 8:17-cv-2832-T-33CPT

LIBERTY MUTUAL INSURANCE  
COMPANY, SAFECO INSURANCE  
COMPANY OF ILLINOIS, and  
SAFECO INSURANCE COMPANY OF  
AMERICA,

Defendants.

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**ORDER**

This matter is before the Court upon consideration of United States Magistrate Judge Christopher P. Tuite's Report and Recommendation (Doc. # 219), filed on October 26, 2020, recommending that Plaintiff Endurance American Specialty Insurance Company's Motion for Entitlement to Attorneys' Fees Based on Contract (Doc. # 211) be denied. On November 9, 2020, Endurance filed an objection to the Report and Recommendation (Doc. # 220) and requested oral argument. (Doc. # 221).

The Court accepts and adopts the Report and Recommendation, overrules the objection, and denies Endurance's Motion for Entitlement to Attorneys' Fees Based on Contract and Request for Oral Argument.

## **Discussion**

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). If a party files a timely and specific objection to a finding of fact by the magistrate judge, the district court must conduct a de novo review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). The district judge reviews legal conclusions de novo, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

Upon due consideration of the record, including Judge Tuite's Report and Recommendation as well as Endurance's objection thereto, the Court overrules the objection and adopts the Report and Recommendation. The Court agrees with Judge Tuite's detailed and well-reasoned findings of fact and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented, and the objection does not provide a basis for rejecting the Report


and Recommendation. Additionally, Endurance's request for oral argument is denied as moot.

Accordingly, it is now

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation (Doc. # 219) is **ACCEPTED** and **ADOPTED**.
- (2) Endurance's Motion for Entitlement to Attorneys' Fees Based on Contract (Doc. # 211) is **DENIED**.
- (3) Endurance's Request for Oral Argument (Doc. # 221) is **DENIED** as moot.
- (4) The Clerk is directed to **CLOSE** the case.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 25th day of November, 2020.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE