

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARRAM CORP.,

Plaintiff,

v.

Case No: 2:18-cv-204-FtM-38MRM

SCOTTSDALE INSURANCE
COMPANY,

Defendant.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 33](#)). Judge McCoy recommends the Court grant Defendant Scottsdale Insurance Company's Amended Motion to Compel Appraisal and Abate All Proceedings. ([Doc. 20](#)). No party has objected to the Report and Recommendation, and the period to do so has lapsed. This matter is ripe for review.

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. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), [993 F.2d 776, 779 n.9 \(11th Cir. 1993\)](#), and the court may accept, reject, or modify, in whole

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or in part, the findings and recommendations, [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).

After independently examining the file and upon consideration of Judge McCoy's findings and recommendation, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 33](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. Defendant Scottsdale Insurance Company's Amended Motion to Compel Appraisal and Abate All Proceedings ([Doc. 20](#)) is **GRANTED**.
 - a. The parties must expeditiously obtain an appraisal in the manner prescribed by the appraisal provision of the subject insurance policy.
 - b. The action is **ABATED** pending completion of the appraisal process. All deadlines are stayed until the appraisal process is completed.
 - c. The parties shall file a joint status report every **ninety (90) days** telling the Court of the status of the appraisal process.
 - d. Within **five (5) days** of completing the appraisal process the parties shall file a joint notice informing the Court.
3. The Clerk of Court is **DIRECTED** to add a stay flag to this action.

DONE and **ORDERED** in Fort Myers, Florida this 11th day of September 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record