

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IRA MARLOWE and MELANIE
MARLOWE,

Plaintiffs,

v.

Case No: 2:18-cv-245-FtM-38MRM

IRONSHORE SPECIALTY
INSURANCE COMPANY,

Defendant.

ORDER¹

Before the Court is Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 38](#)). Judge McCoy recommends that Plaintiffs Ira Marlowe and Melanie Marlowe's Motion to Compel Appraisal be granted. ([Doc. 32](#)). No objections were filed to the Report and Recommendation, and the time to do so has expired. 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

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

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 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 careful consideration of the Report and Recommendation and an independent review of the file, the Court accepts and adopts the Report and Recommendation.


Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 38](#)) is **ACCEPTED** and **ADOPTED** and incorporated into this Order. Plaintiffs' Motion to Compel Appraisal ([Doc. 32](#)) is **GRANTED**.
2. All proceedings in this case are **STAYED** until the parties advise the Court that appraisal has been completed and the stay is due to be lifted. The parties must notify the Court of such matters within **seven (7) days** of the appraisal proceedings concluding.
3. The parties are required to file a joint status report regarding the status of appraisal **on or before January 21, 2019**, and every forty-five (45) days until the conclusion of the appraisal proceedings.
4. The Court reserves jurisdiction to appoint an umpire if the parties' appraisers cannot agree on an umpire.

5. Nothing in this Order shall be construed as limiting Defendant's ability to challenge the amount of attorney's fees sought by the Plaintiffs in connection with Count II of the Complaint, including but not limited to the ability to challenge the reasonableness of the hourly rate charged or the number of hours expended.
6. Any appraisal award will be delineated, such that each damaged building element and all other items included within the award be specifically described and the dollar amount of each such element or item be identified.
7. The Clerk of Court is **DIRECTED** to add a stay flag on the docket.

DONE and **ORDERED** in Fort Myers, Florida this 7th day of December 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record