

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

YEISON CRUZ,

Plaintiff,

v.

Case No: 2:18-cv-287-FtM-38MRM

GEOVERA SPECIALTY
INSURANCE COMPANY,

Defendant.

ORDER¹

Before the Court is Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 39](#)). Judge McCoy recommends granting Plaintiff Yeison Cruz and Defendant GeoVera Specialty Insurance Company's Joint Stipulation to Stay Litigation Pending Completion of Appraisal. ([Doc. 38](#)). Neither party filed a timely objection to the Report and Recommendation, so the 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

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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 and an independent review of the file, the Court accepts and adopts in part the Report and Recommendation. The Court accepts the Report and Recommendation in its entirety except for paragraph 4. There is no need for the Court to reserve jurisdiction over specific issues because it is staying the proceedings rather than closing the case. If a dispute arises during appraisal, such as the selection of a neutral umpire, then the parties may notify the Court at that time.

Accordingly, it is now

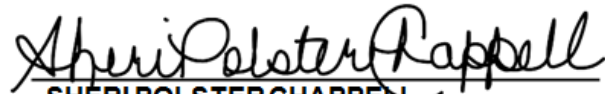
ORDERED:

1. Report and Recommendation ([Doc. 39](#)) is **ACCEPTED and ADOPTED in part**.
2. The Joint Stipulation to Stay Litigation Pending Completion of Appraisal ([Doc. 38](#)) is **GRANTED**.
3. This action is **STAYED** until the parties advise the Court that the appraisal process 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.
4. The parties must file a joint status report regarding the status of the appraisal **on or before March 1, 2019**, and **every forty-five (45) days** thereafter until the appraisal proceedings conclude.

5. Plaintiff has **ninety (90) days** from the date of this Order to select an appraiser and notify Defendant of the selection.

6. The Clerk of Court is **DIRECTED** to add a stay flag to this case.

DONE and **ORDERED** in Fort Myers, Florida this 15th day of January 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record