

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CORAL REEF METRO, LLC,

Plaintiff,

v.

Case No: 2:18-cv-460-FtM-38UAM

SCOTTSDALE INSURANCE
COMPANY,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is U.S. Magistrate Judge Douglas N. Frazier's Report and Recommendation (R&R) ([Doc. 33](#)), recommending that Plaintiff Coral Reef Metro, LLC's Motion to Compel Appraisal and Stay Proceedings ([Doc. 22](#)) be granted. No party has objected to the R&R, and the time to do so has elapsed. 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](#)

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.

[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 \(11th Cir. 1994\)](#).

Here, Judge Frazier considered the parties' arguments and determined that the appraisal clause in their insurance contract should be enforced, despite Defendant Scottsdale Insurance Company's objections. Judge Frazier further recommends that Scottsdale's request for a line itemization of damages should be denied because it is not required by the contract. After independently examining the file and on consideration of Judge Frazier's findings and recommendations, the Court accepts and adopts the R&R.


Accordingly, it is now

ORDERED:

U.S. Magistrate Judge Douglas N. Frazier's Report and Recommendation ([Doc. 33](#)) is **ACCEPTED AND ADOPTED**.

- (1) Plaintiff Coral Reef Metro, LLC's Motion to Compel Appraisal and Stay Proceedings ([Doc. 22](#)) is **GRANTED**.
- (2) The parties are **ORDERED** to expeditiously conduct an appraisal as prescribed by the appraisal provisions of the insurance policy, to file joint status reports every ninety (90) days to advise the Court of the status of the appraisal, and to notify the Court upon completion of the appraisal process.
- (3) The Clerk is **DIRECTED** to place a stay flag on this case pending completion of the appraisal process.

DONE and **ORDERED** in Fort Myers, Florida this 20th day of February, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record