

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PAUL E. GAVIN and LINDA V. GAVIN,

Plaintiffs,

v.

Case No.: 2:18-cv-532-FtM-38MRM

TERAPHYSICS CORPORATION
and LOUIS FISI,

Defendants.

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OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 90](#)), recommending that default judgment be entered against Defendant Teraphysics Corporation under Fed. Rs. Civ. P. [16\(f\)](#) and [37\(d\)](#) for its failure to comply with the Court's Orders (Doc. 82, [Doc. 84](#), [Doc. 89](#)) to obtain counsel and otherwise show cause why it failed to do so. No party objects to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently, and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.²

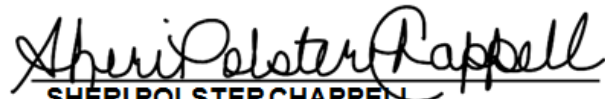
Accordingly, it is now

ORDERED:

(1) The Report and Recommendation ([Doc. 90](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.

(2) The Court grants a default against Teraphysics Corporation for failure to comply with this Court’s Orders to Show Cause to obtain legal counsel. However, the Court will withhold the entry of judgment until the conclusion of this case.

DONE and ORDERED in Fort Myers, Florida this 2nd day of December, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

² Although the Court previously questioned its subject matter jurisdiction over this case ([Doc. 67](#)), that issue is still live and has not yet been determined by the Court.