

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

OSCAR ROSAS and RAQUEL  
BURICH,

Plaintiffs,

v.

Case No: 2:18-cv-586-FtM-99UAM

GEOVERA SPECIALTY  
INSURANCE COMPANY,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is U.S. Magistrate Judge Douglas N. Frazier's Report and Recommendation (R&R) ([Doc. 50](#)), recommending that Geovera Specialty Insurance Company's Unopposed Motion to Strike Portions of Complaint ([Doc. 16](#)) be granted. No party has objected to the R&R, and the time to do so has expired.

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](#)

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[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 arguments made by the parties and determined that Geovera's request to strike Plaintiffs' references to Chapter 627 of the Florida Statutes in the Complaint, including the request for attorneys' fees under Section 627.428, should be granted because Geovera is a surplus lines insurer and Chapter 627 does not apply to surplus lines carriers. 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:**

(1) U.S. Magistrate Judge Mac R. Frazier's Report and Recommendation ([Doc. 23](#)) is **ACCEPTED** and **ADOPTED**.

(2) Geovera Specialty Insurance Company's Unopposed Motion to Strike Portions of Complaint ([Doc. 16](#)) is **GRANTED**, and the references to Chapter 627 of the Florida Statutes in paragraphs 10, 11, 17, and the "WHEREFORE" paragraph of the Complaint ([Doc. 2](#)) are **STRICKEN**.

**DONE** and **ORDERED** in Fort Myers, Florida this 21st day of February, 2019.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record