

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY,

Plaintiff,

v.

Case No. 6:18-cv-1520-Orl-37GJK

THE SHERWIN CONDOMINIUM
MANAGEMENT ASSOCIATION, INC.,

Defendant.

ORDER

On December 21, 2018, Plaintiff filed its amended complaint seeking appointment of an umpire in an appraisal proceeding. (Doc. 13.) The parties then filed a joint motion for appointment of an appraisal umpire pursuant to the insurance policy issued by Plaintiff to Defendant. (Doc. 28 (“**Motion**”).) On referral, U.S. Magistrate Judge Gregory J. Kelly recommends granting the Motion and appointing John A. Voelpel, III as the appraisal umpire. (Doc. 33 (“**R&R**”).)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding no such error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Gregory J. Kelly's Report and Recommendation (Doc. 33) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Joint Motion for Appointment of an Umpire (Doc. 28) is **GRANTED**.
3. The Court **APPOINTS** John A. Voelpel, III, to serve as neutral appraisal umpire for and during the insurance appraisal process, pursuant to the terms of the insurance contract between the parties.
4. The Clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 30, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record