

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

NATIONAL INDEMNITY COMPANY
OF THE SOUTH,

Plaintiff,

v.

Case No. 6:19-cv-13-Orl-37LRH

MA ALTERNATIVE TRANSPORT
SERVICES, INC.; and SHERRY HENRY,

Defendants.

ORDER

Plaintiff initiated the instant action against Defendants on January 3, 2019, seeking a declaratory judgment as to coverage for injuries sustained in a motor vehicle accident. (Docs. 1, 9.) On March 4, 2019, Plaintiff filed a motion for extension of time to conduct the case management conference and indicated that Defendant MA Alternative Transport Services, Inc. ("**MA Alternative**") filed a voluntary petition for bankruptcy in the U.S. Bankruptcy Court for the Middle District of Florida, No. 6:19-bk-956-CCJ ("**Bankruptcy Proceeding**"). (Doc. 17, ¶ 4.) In response, U.S. Magistrate Judge Leslie R. Hoffman terminated the motion for extension of time because of the Bankruptcy Code's automatic stay provision and ordered Plaintiff to show cause why the case should not also be stayed as to Defendant Sherry Henry. (Doc. 18.) Plaintiff responded, stating that the case should be stayed with respect to all parties. (Doc. 22.) Accordingly, Magistrate Judge Hoffman recommends that the Court stay the case in light of the Bankruptcy Proceeding and

terminate any pending motions. (Doc. 25 (“**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 finds 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 Leslie R. Hoffman’s Report and Recommendation (Doc. 25) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. This action is **STAYED** pending resolution of the Bankruptcy Proceeding.
3. On or before Monday, **June 10, 2019**, and every sixty (60) days thereafter, the parties are **DIRECTED** to file a status report regarding the Bankruptcy Proceeding.
4. The Clerk is **DIRECTED** to terminate all pending motions and administratively close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 10, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record