

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FREEDOM MARINE SALES, LLC,

Plaintiff,

v.

Case No. 8:23-cv-00660-KKM-AEP

TIM TOPITZHOFER,
UNKNOWN TENANT,
and M/V Dacotah, A 38' Motoryacht Bayliner,
her engines, tackle, apparel, furniture, equipment
and all other necessaries appertaining and belonging,
in rem,

Defendants.

ORDER

On March 4, 2024, the Magistrate Judge entered a Report and Recommendation, recommending that Plaintiff Freedom Marine Sales, LLC,'s amended motion for default judgment be granted. *See* Am. Mot. for Default Judgment (Doc. 28); R&R (Doc. 29). The deadline to object to the Magistrate Judge's Report and Recommendation has passed without either party lodging an objection. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b). Considering the record, the Court adopts the Report and Recommendation for the reasons stated therein.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

In the absence of any objection and after reviewing the factual allegations and legal conclusions, the Court adopts the Report and Recommendation in full.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 29) is **ADOPTED** and made a part of this Order for all purposes.
2. The Clerk is **DIRECTED** to **ENTER JUDGMENT** in favor of Freedom Marine Sales, LLC, and against Tim Topitzhofer and M/V Dacotah for the amount of \$6,162.63 plus statutory interest and reserving jurisdiction for an amount of attorneys' fees and costs.

3. The Clerk is **DIRECTED** to **ENTER JUDGMENT** in rem against M/V Dacotah recognizing Freedom Marine's maritime lien for trespass.
4. The U.S. Marshal is directed to conduct the sale of the Vessel, her engines, tackle, apparel, furniture, equipment, appurtenances, and all other necessaries thereunto appertaining and belonging to the Vessel, in accordance with Rule E(9) of the Supplemental Admiralty Rules and the Local Admiralty and Maritime Practice Manual 5(r).
5. Freedom Marine is granted permission to credit bid its judgment at the public sale of the Vessel.
6. The Clerk is directed to terminate any pending motions and deadlines and to **CLOSE** this case.

ORDERED in Tampa, Florida, on March 27, 2024.


Kathryn Kimball Mizelle
United States District Judge