

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARINE DIESEL SPECIALISTS,
INC., a Florida profit
corporation,

Plaintiff,

v.

Case No: 2:17-cv-689-FtM-99MRM

M/Y "20%", a Viking
manufactured motorized 64'
pleasure yacht, her boats,
engines, tackle, equipment,
apparel, furnishings,
freights, appurtenances, and
all fixtures and other
necessaries there unto
appertaining and belonging
to the vessel, in rem. and
DAVID SIMPSON, an
individual, in personam,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #36), filed May 24, 2018, recommending that the Motion to Show Cause Why Arrest of MV "20%" Should Not Be Vacated (Doc. #22) be denied. No objections have been filed 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. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982),

cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 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). 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); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

The Magistrate Judge conducted an evidentiary hearing where he heard testimony and admitted evidence. The Magistrate Judge found that plaintiff established by a preponderance of the evidence the reasonableness of the costs of repairs as compared to what other competitors in the industry would charge, and that the repairs to the vessel were at the direction of the owner or the owner's agent, the two contested elements. After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

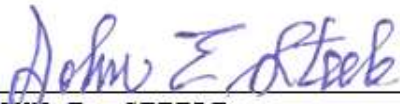
Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #36) is hereby **adopted** and the findings incorporated herein.

2. The vessel's Motion to Show Cause Why Arrest of MV "20%"
Should Not Be Vacated (Doc. #22) is **DENIED**.

DONE and ORDERED at Fort Myers, Florida, this 11th day
of June, 2018.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties