

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DANA A WESOLEK,

Plaintiff,

v.

Case No: 2:19-cv-463-JES-MRM

LAUREN WESOLEK, BRYAN J
WESOLEK, and WILLIAM
HALLIDAY (HAL) ADAMS,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #113), filed May 25, 2021, recommending that the motion be granted as to the Tenth Affirmative Defense, without prejudice to amending, and otherwise 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).

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.

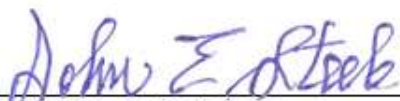
Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #113) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's Motion to Strike Certain of Defendants' Affirmative Defenses (Doc. #97) is **GRANTED in part and DENIED in part** as follows: (A) the motion is granted as to the Tenth Affirmative Defense, which is stricken without prejudice to amending; and (B) the motion is denied as to the Fifth through Ninth and Eleventh through Fourteenth Affirmative Defenses, with the Fourteenth Affirmative Defense to be treated as a denial.

DONE and ORDERED at Fort Myers, Florida, this 23rd day of June, 2021.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:

Hon. Mac R. McCoy

United States Magistrate Judge

Counsel of Record

Unrepresented parties