

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

VICTORIA CARTER,

Plaintiff,

v.

Case No: 3:12-cv-610-J-39MCR

AT&T CORP. and AT&T UMBRELLA
PLAN NO. 1,

Defendant.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (“Report”) (Doc. 42) issued by United States Magistrate Judge Monte C. Richardson. In the Report, Magistrate Judge Richardson recommends that Defendant AT&T Corp.’s Motion for Summary Judgment (Doc. 27) be granted. Judge Richardson also recommends that Defendant AT&T Umbrella Plan No. 1’s Motion for Summary Judgment or, in the Alternative, Motion for Final Judgment (Doc. 32) be denied and this matter remanded to Defendant AT&T Umbrella Plan No. 1 for further consideration of Plaintiff’s short term disability claim.

Following the issuance of the Report, Defendant AT&T Umbrella Plan No. 1 timely filed its Objections to the Magistrate’s Report and Recommendation (“Objections”). (Doc. 43). Plaintiff Carter subsequently filed a response to Defendant’s Objections. (Doc. 44). Accordingly, this matter is ripe for review.

The Court “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). If no specific

objections to findings of fact are filed, the district court is not required to conduct a *de novo* review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions *de novo*. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM029SPC, 2007 WL 1428615 at *1 (M.D. Fla. May 14, 2007).

Accordingly, upon independent review of the file and for the reasons stated in the Report and Recommendation, the Court overrules Defendant AT&T Umbrella Plan No. 1's Objections and accepts and adopts the legal and factual conclusions recommended by Magistrate Judge Richardson. Therefore, it is hereby

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Doc. 42) is **ADOPTED** as the opinion of the Court.
2. Defendant AT&T Umbrella Plan No. 1's Objections (Doc. 43) are **OVERRULED**.
3. Defendant AT&T Umbrella Plan No. 1's Motion for Summary Judgment or, in the Alternative, Motion for Final Judgment (Doc. 32) is **DENIED**.
4. Defendant AT&T Corp.'s Motion for Summary Judgment (Doc. 27) is **GRANTED**.
5. Defendant AT&T Umbrella Plan No. 1's determination of Plaintiff Carter's short term disability claim is remanded for further consideration consistent with this order.

DONE and **ORDERED** in Jacksonville, Florida this 3rd day of ~~February~~ ^{March}, 2014.



BRIAN J. DAVIS
United States District Judge

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Copies furnished to:

Counsel of Record