

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ALDORA ALUMINUM &
GLASS PRODUCTS, INC.,

Plaintiff,

vs.

Case No. 3:14-cv-1402-J-34JBT

POMA GLASS & SPECIALTY
WINDOWS, INC.,

Defendant.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 30; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on May 20, 2015. In the Report, Judge Toomey recommends that Defendant Poma Glass & Specialty Windows, Inc.'s ("Poma") Motion to Dismiss Plaintiff's Amended Complaint for Damages (Dkt. No. 8) be denied. See Report at 13. On June 8, 2015, Poma filed objections to the Report. See Poma's Objections to Report and Recommendation (Dkt. No. 33; Objections). Plaintiff responded on June 22, 2015, with Plaintiff's Opposition to Poma's Objections to the Report and Recommendation (Dkt. No. 36). Thus, the matter is ripe for review.¹

¹ The Court recognizes that Defendant Poma filed Poma's Motion for Oral Argument on Its Objections to Report and Recommendation (Dkt. No. 34; Oral Argument Motion) on June 8, 2015. Upon review of the record, however, the Court determined that oral argument would not aid in the resolution of the Motion. As such, the Court will deny the Oral Argument Motion.

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 facts 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-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in Judge Toomey’s Report, the Court will overrule the Objections, and accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. Poma’s Motion for Oral Argument on Its Objections to Report and Recommendation (Dkt. No. 34) is **DENIED**.

2. Defendant Poma’s Objections to Report and Recommendation (Dkt. No. 33) are **OVERRULED**.

3. The Magistrate Judge’s Report and Recommendation (Dkt. No. 30) is **ADOPTED** as the opinion of the Court.

4. Defendant's Motion to Dismiss Plaintiff's Amended Complaint for Damages (Dkt. No. 8) is **DENIED**.

DONE AND ORDERED at Jacksonville, Florida, this 6th day of July, 2015.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

The Honorable Joel B. Toomey
United States Magistrate Judge

Counsel of Record