

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

AUTO-OWNERS INSURANCE COMPANY,

Plaintiff,

Case No. 3:17-cv-817-J-34PDB

vs.

ENVIRONMENTAL HOUSE WRAP, INC.,
THE RYLAND GROUP, INC., and
BISCAYNE BAY HOMEOWNERS
ASSOCIATION, INC.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report & Recommendation (Dkt. No. 24; Report), entered by the Honorable Patricia D. Barksdale, United States Magistrate Judge, on May 14, 2018. In the Report, Judge Barksdale recommends that Plaintiffs' motions for default judgment (Dkt. Nos. 20 and 22) be denied "without prejudice to renewal when the action is ripe for final adjudication against all defendants." Report at 6. On May 29, 2018, Plaintiff Auto-Owners Insurance Company filed a response to the Report. See Auto-Owners' Response to the Magistrate Judge's May 14, 2018 Report and Recommendation (Dkt. No. 25; Response).

The Court "may accept, reject, or modify, in whole or in part, the finding or recommendations 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 the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. The Court, however, will modify the recommendation to incorporate the changes requested by Plaintiff in its Response.

In light of the foregoing, it is hereby **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 24), as modified, is **ADOPTED** as the opinion of the Court.
2. Plaintiff's Motion for Default Judgment Against Defendant Biscayne Bay Homeowners Association, Inc. (Dkt. No. 20) is **DENIED without prejudice** to renewal when there is no longer a risk of inconsistent judgments, even if that occurs after the dispositive motion deadline.
3. Plaintiff's Motion for Default Judgment Against Defendant Environmental House Wrap, Inc. (Dkt. No. 22) is **DENIED without prejudice** to renewal when there is no longer a risk of inconsistent judgments, even if that occurs after the dispositive motion deadline.

DONE AND ORDERED in Jacksonville, Florida, this 3rd day of July, 2018.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record

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