

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

**HAMPTONS AT METROWEST  
CONDOMINIUM ASSOCIATION, INC.,**

**Plaintiff,**

v.

**Case No: 6:13-cv-806-Orl-36TBS**

**MT. HAWLEY INSURANCE COMPANY,**

**Defendant.**

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**ORDER**

This cause comes before the Court on the Report and Recommendation of Magistrate Judge Thomas B. Smith (Doc. 32). In the Report and Recommendation, Magistrate Judge Smith recommends that Plaintiff Hamptons at Metrowest Condominium Association, Inc.’s (“Plaintiff”) Motion to Remand (“Motion to Remand”) (Doc. 25) be granted and that the case be remanded to the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida. *See* Doc. 32. Neither party has objected to the Report and Recommendation and the time to do so has expired.

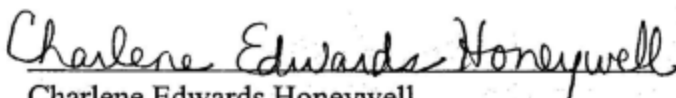
The Court is in agreement with the Magistrate Judge that Defendant Mt. Hawley Insurance Company’s removal of this action was improper and the case must be remanded because the Court does not have subject matter jurisdiction over the prejudgment garnishment proceeding, which is ancillary to a pending state court action. *See id.*; *Hamptons at Metrowest Condo. Ass’n, Inc. v. Nationwide Prop. and Cas. Ins. Co.*, No. 6:13-cv-830, Doc. 25 (M.D. Fla. June 26, 2013), *report and recommendation adopted by* No. 6:13-cv-830, Doc. 28 (M.D. Fla. July 31, 2013); *Hamptons at Metrowest Condo. Ass’n, Inc. v. Park Ave. at Metrowest, Ltd.*, No.

6:13-cv-608, Doc. 22 (M.D. Fla. May 10, 2013), *report and recommendation adopted by 2013 WL 2477236* (M.D. Fla. June 10, 2013). Therefore, after careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED** and **ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 32) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
2. Plaintiff's Motion to Remand (Doc. 25) is **GRANTED**.
3. This case is **REMANDED** to the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida.
4. The Clerk is directed to transmit a certified copy of this Order to the Clerk of the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida. The Clerk is further directed to **CLOSE** this case and terminate all previously scheduled deadlines.

**DONE** and **ORDERED** in Orlando, Florida on September 10, 2013.

  
Charlene Edwards Honeywell  
United States District Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties  
United States Magistrate Judge Thomas B. Smith