

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

MASCHMEYER CONCRETE
COMPANY OF FLORIDA,

Plaintiff,

v.

Case No. 6:15-cv-912-Orl-37KRS

AMERICAN SOUTHERN INSURANCE
COMPANY,

Defendant.

ORDER

This cause is before the Court on the following matters:

- (1) Plaintiff's Motion to Strike Affirmative Defenses of Defendant American Southern Insurance Company (Doc. 57), filed February 12, 2016;
- (2) Defendant's (a) Response to Plaintiff's Motion to Strike Affirmative Defenses of Defendant American Southern Insurance Company [DN57] and (b) Response to Plaintiff's Motion to Strike Paragraphs 12, 18, and 25 in Answer to Amended Complaint [DN58] (Doc. 83), filed February 26, 2016; and
- (3) Report and Recommendation (Doc. 93), filed March 4, 2016.

DISCUSSION

On March 4, 2016, U.S. Magistrate Judge Karla R. Spaulding entered a thorough and well-reasoned Report and Recommendation advising that Plaintiff's Motion to Strike Affirmative Defenses (Doc. 57) should be granted in part and denied in part ("**Report**"). (Doc. 93.) No objections to the Report have been filed, and the deadline to file objections

has passed. See Fed. R. Civ. P. 72(b)(2). Upon review, the Court finds that the Report is due to be approved and adopted.

CONCLUSIONS

It is hereby **ORDERED AND ADJUDGED** that:

- (1) The Report and Recommendation (Doc. 93) is **APPROVED AND ADOPTED**.
- (2) Plaintiff's Motion to Strike Affirmative Defenses of Defendant American Southern Insurance Company (Doc. 57) is **GRANTED with respect to Defendant American Southern Insurance Company's Ninth and Twenty-Second Affirmative Defenses, and is DENIED in all other respects**.
- (3) Defendant American Southern Insurance Company's Ninth and Twenty-Second Affirmative Defenses (Doc. 53) are **STRICKEN**.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 4, 2016.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record