

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PROGRESSIVE SELECT INSURANCE
COMPANY,

Plaintiff,

v.

Case No. 6:19-cv-566-RBD-EJK

PATRICK JAY RAFFERTY; and
STEPHANIE ALEXANDRA SIMICH,

Defendants.

ORDER

Plaintiff initiated this declaratory judgment action against Defendants to resolve an insurance coverage dispute. (Doc. 1.) Now Plaintiff moves for default judgment against Defendant Patrick Jay Rafferty.¹ (Doc. 44 (“**Motion**”).) On referral, U.S. Magistrate Judge Embry J. Kidd recommends the Court grant the Motion. (Doc. 48 (“**R&R**”).)

The parties did not object to the R&R, and the time for doing so has now passed. (See Doc. 49.) As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding no such

¹ Defendant Stephanie Alexandra Simich answered Plaintiff’s complaint and on summary judgment, the Court found in favor of Plaintiff. (Docs. 12, 42.) The Court deferred entering final judgment against Ms. Simich until the action was resolved against Mr. Rafferty. (Doc. 42, pp. 13-14.) So here, the Court enters final judgment against Ms. Simich.

error, the Court adopts the R&R in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Embry J. Kidd's Report and Recommendation (Doc. 48) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Motion for Default Judgment (Doc. 44) is **GRANTED**.
3. The Court **DECLARES**:
 - a. The automobile insurance policy Plaintiff issued to Donald Rafferty does not provide bodily injury liability coverage to Defendant Patrick Jay Rafferty as a result of the car accident he was involved in on November 5, 2017;
 - b. Plaintiff has no duty to indemnify Defendant Patrick Jay Rafferty for any damages being claimed by Defendant Stephanie Alexandra Simich related to the November 5, 2017 car accident; and
 - c. Should a lawsuit be brought by Defendant Stephanie Alexandra Simich for her damages as a result of the car accident, Plaintiff has no duty to defend Defendant Patrick Jay Rafferty in that lawsuit.
4. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff Progressive Select Insurance Company and against Defendants Patrick Jay Rafferty and Stephanie Alexandra Simich, terminate all pending motions, and close the case.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 16, 2021.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Defendant Patrick Jay Rafferty