

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MAINSAIL DEVELOPMENT, LLC, and
AUSTIN PARK DEVELOPMENT, LLC,

Plaintiffs,

v.

CASE NO: 8:11-cv-45-T-33AEP

RUSCO INVESTMENTS, INC., et al.,

Defendants.

_____ /

ORDER

This cause comes before the Court pursuant to Defendants Rusco Investments, Inc., Pinnacle Mutual, Inc., Lass Accounting and Business Services, Inc., Ruth Liverpool and Aldwyn Liverpool's Motion to Compel Arbitration (Doc. # 4). Magistrate Judge Anthony E. Porcelli has filed his report recommending that the motion be granted (Doc. # 17). All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). Plaintiffs filed an Objection to the Report and Recommendation (Doc. # 19), and Defendants filed a Response to the Objection (Doc. # 20).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and

recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). In the absence of specific objections, there is no requirement that a district judge review factual findings de novo. Garvey v. Vaughn, 993 F.2d 776, 779 n. 9 (11th Cir. 1993). The district judge reviews legal conclusions de novo, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1432 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

Upon consideration of the Report and Recommendation of the Magistrate Judge, all objections thereto and responses to objections timely filed by the parties and upon this Court's independent examination of the file, it is determined that the Magistrate Judge's Report and Recommendation should be adopted and all objections overruled.

Accordingly, it is

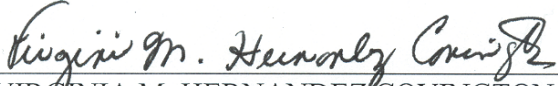
ORDERED, ADJUDGED, and DECREED:

- (1) The Magistrate Judge's Report and Recommendation (Doc. # 17) is adopted and incorporated by

reference in this Order of the Court. All objections thereto are overruled.

- (2) Defendants' Motion to Compel Arbitration (Doc. # 4) is **GRANTED**.
- (3) The case is **STAYED and ADMINISTRATIVELY CLOSED** pending the resolution of the arbitration proceedings.
- (4) The parties shall file a joint status report within 90 days of the date of this Order to inform the Court of the status of the arbitration proceedings. Thereafter, the parties shall continue to file joint status reports with the Court every 90 days until the arbitration proceedings are completed.
- (5) Defendants' Motion to Stay Any Obligation to Answer or Otherwise Respond (Doc. # 16) is **DENIED AS MOOT**.

DONE and ORDERED in Chambers in Tampa, Florida, this 19th day of July, 2011.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel of Record