

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TALK FUSION, INC.,

Plaintiff,

v.

CASE NO: 8:11-cv-1134-T-33AEP

J.J. ULRICH, et al.,

Defendants.

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ORDER

This cause comes before the Court pursuant to Defendants' Motions to Compel Arbitration (Docs. # 18, 45 and 60). Magistrate Judge Anthony E. Porcelli has filed his report (Doc. # 84) recommending that Defendants' Motion to Compel Arbitration (Doc. # 18) be denied as moot, Defendants' Motion to Compel Arbitration (Doc. # 45) be denied as moot, Defendants' Motion to Compel Arbitration (Doc. # 60) be granted, and the case be administratively closed and stayed pending arbitration. 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). As of this date, there are no objections to the Report and Recommendation, and the time for the parties to file such objections has elapsed.

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).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the Magistrate Judge and adopts the recommendation of the Magistrate Judge regarding the motions.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The Magistrate Judge's Report and Recommendation (Doc. # 84) is adopted and incorporated by reference in this Order of the Court.
- (2) Defendants' Motion to Compel Arbitration (Doc. # 18) is **DENIED AS MOOT**.
- (3) Defendants' Motion to Compel Arbitration (Doc. # 45) is **DENIED AS MOOT**.
- (4) Defendants' Motion to Compel Arbitration (Doc. # 60) is **GRANTED**.
- (5) The case is **STAYED and ADMINISTRATIVELY CLOSED** pending the resolution of the arbitration proceedings.
- (6) 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.

DONE and ORDERED in Chambers in Tampa, Florida, this 14th day of September, 2011.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel of Record