

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

PGT INDUSTRIES, INC.,

Plaintiff,

v.

Case No. 8:12-cv-358-T-33TGW

HARRIS & PRITCHARD CONTRACTING
SERVICES, LLC, ET AL.,

Defendants.

ORDER

This cause comes before the Court pursuant to the July 10, 2012, Report and Recommendation of Thomas G. Wilson, United States Magistrate Judge (Doc. # 21), in which Judge Wilson recommends that Defendant David M. Harris's Motion to Dismiss (Doc. # 6) be denied. Judge Wilson conducted a hearing on the Motion on July 9, 2012. (Doc. # 20). Defendant Harris filed timely objections to the Report and Recommendation on July 24, 2012. (Doc. # 22). Plaintiff filed a response in opposition to Defendant's objections on August 7, 2012. (Doc. # 23).

After careful consideration and being fully advised in the premises, the Court adopts the Report and Recommendation of the Magistrate Judge and overrules the filed objections.

Discussion

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). 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), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). 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, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

Upon due consideration of the entire record, including the Report and Recommendation, the objections and the response, the Court overrules the objections, adopts the Report and Recommendation and denies the Motion to Dismiss. The Court agrees with Judge Wilson's detailed and well-reasoned findings of fact and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented during the motion hearing, and the objections do not provide

a basis for rejecting the Report and Recommendation.


Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

(1) The Report and Recommendation of Thomas G. Wilson, United States Magistrate Judge (Doc. # 21) is **ACCEPTED AND ADOPTED.**

(2) Defendant David M. Harris's Motion to Dismiss (Doc. # 6) is **DENIED.**

DONE and ORDERED in Chambers in Tampa, Florida, this 7th day of August, 2012.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record