

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DAEDALUS CAPITAL LLC and
LOCKWOOD TECHNOLOGY
CORPORATION,

Plaintiffs,

v.

Case No: 8:12-cv-2533-T-35TBM

BRADFORD VINECOMBE, BRUNO
REIGL, ADAM VINECOMBE, ERIC
VINECOMBE, LOCKWOOD
WORLDWIDE, INC., and SWIFTSURE
GROUP LLC,

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of Defendants' Motion to Dismiss Amended Complaint (Dkt. 112), filed on April 15, 2013. On August 22, 2014, United States Magistrate Judge Thomas B. McCoun III issued a Report and Recommendation (Dkt. 185), recommending that Defendants' Motion to Dismiss be denied.¹ No objections were filed to the Report and Recommendation, and the deadline to do so has passed.

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

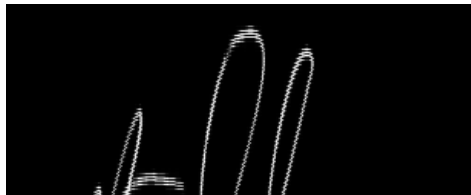
¹ The Report and Recommendation did not address Defendants' issue with Plaintiffs' demand for attorney's fees in Counts IX and X. (Dkt. 112 at P. 24-25) To the extent that an issue still remains it will be dealt with by the Court on motions for summary judgment.

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)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). 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. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation (Dkt. 185), is **CONFIRMED** and **ADOPTED** as part of this Order; and
2. Defendants’ Motion to Dismiss Amended Complaint (Dkt. 112), is hereby **DENIED**.

DONE and **ORDERED** in Tampa, Florida, this 12th day of September, 2014.

A black rectangular box containing a white, handwritten signature. The signature is cursive and appears to be the name of the court clerk or judge.

Copies furnished to:
Counsel of Record
Any Unrepresented Person