

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

Plaintiff,

v.

Case No. 8:13-cv-2037-T-33TBM

EILEEN MANGANO, as Personal  
Representative of the Estate  
of RONALD H. COPENHAVER,  
et al.,

Defendants.

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**ORDER**

This matter is before the Court on consideration of the Report and Recommendation of United States Magistrate Judge Thomas B. McCoun III (Doc. # 75), filed on May 10, 2014, recommending that Defendants Eileen Mangano, as Personal Representative of the Estate of Ronald H. Copenhaver; Corey J. Coughlin; Camden Ted French; Robert Wade Harris; John Tzannetakis; Lisa Ulrich; and Michael Worthington's Motion to Dismiss the Amended Complaint (Doc. # 33) be denied.

On May 27, 2014, Defendants filed an objection to the Magistrate Judge's Report and Recommendation (Doc. # 78), and Plaintiff Federal Deposit Insurance Corporation filed a response to that objection on June 3, 2014 (Doc. # 80). Upon

due consideration, the Court overrules Defendants' objection and adopts the Report and Recommendation.

### **Discussion**

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 (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-Hous. 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).

The Court has conducted an independent examination of the file, and upon due consideration, the Court overrules the objection, accepts the factual findings and legal conclusions


of the Magistrate Judge, and adopts the recommendation of the Magistrate Judge. The Report and Recommendation thoughtfully addresses the issues presented, and the objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation of Thomas B. McCoun III, United States Magistrate Judge (Doc. # 75) is **ADOPTED**.
- (2) Defendants Eileen Mangano, as Personal Representative of the Estate of Ronald H. Copenhaver; Corey J. Coughlin; Camden Ted French; Robert Wade Harris; John Tzannetakis; Lisa Ulrich; and Michael Worthington's Motion to Dismiss the Amended Complaint (Doc. # 33) is **DENIED**.

**DONE and ORDERED** in Chambers in Tampa, Florida, this 4th day of June, 2014.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record