

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-22255-CIV-LENARD/TURNOFF

ISAGANI CAPINA,

Plaintiff,

v.

**LIBERTY LIFE INSURANCE, INC.,
d/b/a RBC INSURANCE, and FIRST
HORIZON HOME LOANS, INC.,**

Defendants.

_____/

**ORDER ADOPTING REPORT & RECOMMENDATION OF MAGISTRATE
JUDGE (D.E. 89) AND DENYING DEFENDANT LIBERTY LIFE INSURANCE,
INC.'S MOTION TO DISMISS (D.E. 59)**


THIS CAUSE is before the Court on the Report and Recommendation of the Magistrate Judge (“Report,” D.E. 89), issued on December 6, 2010, recommending the Court deny Defendant Liberty Life Insurance, Inc.’s Motion to Dismiss (D.E. 59), filed on May 6, 2010. Therein, the Parties were provided fourteen (14) days to file objections to the Report. To date, neither side has filed any objections to the Report. Failure to timely file objections shall bar parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report of the Magistrate Judge (D.E. 89), issued on December 6, 2010, is

ADOPTED;

2. Defendant Liberty Life Insurance, Inc.'s Motion to Dismiss (D.E. 59), filed on May 6, 2010, is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida this 19th day of January, 2011.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE