

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-22369-CIV-LENARD/TURNOFF

COLONY INSURANCE COMPANY,

Plaintiff,

v.

VILLAGE AT DADELAND
CONDOMINIUM ASSOCIATION,
INC., et al.,

Defendants.

_____/


**ORDER ADOPTING REPORT OF MAGISTRATE JUDGE (D.E. 89) AND
DENYING DEFENDANT MARCUS'S MOTION TO DISMISS AND/OR STAY
(D.E. 38)**

THIS CAUSE is before the Court on the Report and Recommendation (“Report,” D.E. 89), issued by Magistrate Judge William C. Turnoff on April 15, 2010, recommending the Court deny Defendant Melissa Marcus’s Motion to Dismiss Complaint and/or Stay Plaintiff’s Petition for Declaratory Relief (“Motion,” D.E. 38), filed on December 29, 2009. Defendant Marcus’s Motion was referred to the Magistrate Judge on March 17, 2010, and a hearing was held on April 14, 2010. The Report advised the Parties they had fourteen (14) days to file any objections to the Magistrate Judge’s findings. To date, no objections to the Report have been filed. 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). Having reviewed the Report, the

Motion, and the related pleadings, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report and Recommendation of the Magistrate Judge (D.E. 89), issued on April 15, 2010, is **ADOPTED**;
2. Defendant Melissa Marcus's Motion to Dismiss Complaint and/or Stay Plaintiff's Petition for Declaratory Relief ("Motion," D.E. 38), filed on December 29, 2009, is **DENIED**. Defendant Marcus has fourteen (14) days from the date of this Order to file her answer to Plaintiff's Complaint.

DONE AND ORDERED in Chambers at Miami, Florida, this 4th day of May, 2010.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE