

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-20734-CIV-LENARD/GOODMAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MALEK BROURI and
JOANNE ZAROWNY,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS ON ZAROWNY'S
MOTION FOR REFUND OF FUNDS PAID TO BANKRUPTCY COURT AND
DISBURSED TO SMALL BUSINESS ADMINISTRATION (D.E. 184) AND
DENYING MOTION FOR REFUND OF FUNDS PAID TO BANKRUPTCY
COURT AND DISBURSED TO SMALL BUSINESS ADMINISTRATION
(D.E. 167)**

THIS CAUSE is before the Court on Magistrate Judge Jonathan Goodman's Report and Recommendations on Defendant Joanne Zarowny's Motion for Refund of Funds Paid to Bankruptcy Court and Disbursed to Small Business Administration, ("Report," D.E. 184), issued May 10, 2021. Judge Goodman recommends denying Zarowny's Motion for Refund of Funds Paid to Bankruptcy Court and Disbursed to Small Business Administration, (D.E. 167), finding that "it would be procedurally improper (pursuant to Fed. R. Bankr. P. 8003(a)(1)) to hear Zarowny's appeal of the Bankruptcy Court's orders in this action and it would likely frustrate the objectives of the Bankruptcy Court in achieving finality." (Id. at 11 (citations omitted).) The Report provides Zarowny fourteen

days from the date she is served with a copy of the Report to file objections.¹ As of the date of this Order, no objections have been filed. Failure to 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 and Recommendations on Defendant Joanne Zarowny's Motion for Refund of Funds Paid to Bankruptcy Court and Disbursed to Small Business Administration (D.E. 184) is **ADOPTED**; and

¹ Zarowny is proceeding pro se. Pursuant to Section 2C of the Case Management Electronic Case Filing ("CM/ECF") Administrative Procedures for the Southern District of Florida, pro se litigants are generally served and noticed by United States mail. Pursuant to Local Rule 11.1(g), pro se parties are responsible for maintaining current contact information with the Clerk of Court.

[A] party appearing pro se shall conventionally file a Notice of Current Address with updated contact information within seven (7) days of a change. The failure to comply shall not constitute grounds for relief from deadlines imposed by Rule or by the Court. All Court Orders and Notices will be deemed to be appropriately served if directed either electronically or by conventional mail consistent with information on file with the Clerk of Court.

S.D. Fla. L.R. 11.1(g) (emphasis added). The Court's electronic receipt for Judge Goodman's Report indicates that a copy of the Report was mailed to Zarowny at her address of record: 810 Sky Pine Way Unit F-1 Green Acres, FL 33415. As such, Zarowny is deemed to have been appropriately served with the Report.

2. Defendant Joanne Zarowny's Motion for Refund of Funds Paid to Bankruptcy Court and Disbursed to Small Business Administration (D.E. 167) is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida this 7th day of June, 2021.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE