

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 20-24492-CIV-GAYLES/TORRES

**X-RAY DIAGNOSTIC AND
ULTRASOUND CONSULTANTS
LIMITED,**

Plaintiff,

v.

**GENERAL ELECTRIC COMPANY and
GE HEALTHCARE, INC.,**

Defendants.

_____ /

ORDER

THIS CAUSE comes before the Court on General Electric Company and GE Healthcare, Inc.'s ("Defendants") Objections to Magistrate Judge Torres' September 22, 2023 Order Regarding Enforcement of Settlement. (the "Objections"). [ECF No. 100]. The Court has reviewed the Objections and the record and is otherwise fully advised. As set forth below, the Objections are overruled.

On December 16, 2022, Defendants filed a Motion to Enforce Settlement Agreement, or in the Alternative to Dismiss This Action with Prejudice Under Rule 41 (the "Motion to Enforce"). [ECF No. 74]. On November 9, 2020, the Court referred all pretrial matters to Chief Magistrate Judge Edwin G. Torres. [ECF No. 7]. On September 22, 2023, Judge Torres issued an order denying the Motion to Enforce (the "Order"). [ECF No. 98]. In particular, Judge Torres found that Defendants had not met their burden to establish that there was a meeting on the minds on all

essential terms of the settlement.¹ Defendants have objected to the Report arguing that (1) Judge Torres was required to enter a Report and Recommendation; (2) the Order failed to view the Parties' objective intent in reviewing their July 1, 2022, email settlement agreement; and (3) the Parties had an enforceable settlement agreement. [ECF No. 100].

Pursuant to Federal Rule of Civil Procedure 72(a), a district court reviews a magistrate judge's order on a non-dispositive matter under a "clearly erroneous or [] contrary to law" standard. Fed. R. Civ. P. 72(a). "Clear error is a highly deferential standard of review" and a finding of clear error is only appropriate "if the district court 'is left with the definite and firm conviction that a mistake has been committed.'" *Bradford Emergency Group, LLC. v. Blue Cross and Blue Shield of Florida, Inc.*, No. 21-62139, 2022 WL 4545177, at *1 (S.D. Fla. Sep. 29, 2022) (quoting *Holton v. City of Thomasville School Dist.*, 425 F.3d 1325, 1351 (11th Cir. 2005)). "A magistrate judge's order is contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules of procedure." *Id.* (internal quotation omitted). "The standard for overturning a Magistrate Judge's Order is a very difficult one to meet." *Id.* (internal quotation omitted). Moreover, under Southern District of Florida Local Magistrate Judge Rule 4(a)(1), a "District Judge may also reconsider sua sponte any matter determined by a Magistrate Judge under this rule." S.D. Fla. L.R. 4(a)(1).

The Court has reviewed the Order and finds that it is not clearly erroneous or contrary to law.² Moreover, the Court does not find a basis to *sua sponte* reconsider Judge Torres's well-reasoned findings of fact or conclusions of law. Accordingly, it is

¹ Judge Torres also denied Defendants' motion for Rule 11 sanctions against Plaintiff and its former counsel. [ECF No. 98].

² The Court finds that Judge Torres was not required to issue a Report and Recommendation on the Motion to Enforce. However, even conducting a *de novo* review, the Court would still agree with Judge Torres's well-reasoned analysis and findings.

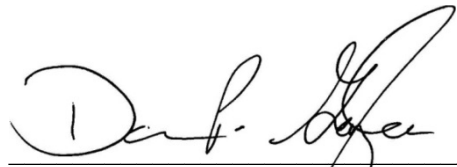
Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

(1) General Electric Company and GE Healthcare, Inc.'s Objections to Magistrate Judge Torres' September 22, 2023 Order Regarding Enforcement of Settlement are **OVERRULED**.

(2) On or before February 20, 2024, the parties shall file an amended joint proposed scheduling order.

(3) This case is **REOPENED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 5th day of February, 2024.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE