

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 22-23823-CV-WILLIAMS

ABIGAIL GOMEZ,

Plaintiff,

v.

NEIGHBORHOOD HEALTH PARTNERSHIP,  
INC.,

Defendant.

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**ORDER**

**THIS MATTER** is before the Court on Magistrate Judge Lisette M. Reid's Report and Recommendation (DE 41) ("**Report**") on Defendant's Motion for Summary Judgment (DE 29) ("**Motion**"). In the Report, Magistrate Judge Reid recommends that the Court grant Defendant's Motion. (DE 41 at 1.) Specifically, the Report finds that Plaintiff did not demonstrate her entitlement to receive health coverage for services performed by Dr. Epstein. (*Id.* at 9–12.) Additionally, the Report finds that Plaintiff did not exhaust all available administrative remedies under her ERISA-governed plan as it relates to Count II of Plaintiff's Complaint.<sup>1</sup> (*Id.* 8–9.) Plaintiff filed Objections to the Report (DE 43), to which Defendant filed a Response (DE 46). The Court conducted a *de novo* review of the portions of the Report to which Plaintiff objected and a review of the remainder of the Report for clear error.

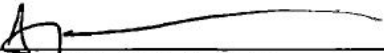
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<sup>1</sup> In its Response to Plaintiff's Objections (DE 46), Defendant does not object to Judge Reid's recommendation that Count II should be dismissed without prejudice subject to Plaintiff submitting an appeal on the denial of benefits for services performed by Dr. Toriumi. (DE 46 at 5–6.)

Having carefully reviewed the Report, the objections, the record, and applicable law it is **ORDERED AND ADJUDGED** as follows:

1. The Report (DE 41) is **AFFIRMED AND ADOPTED**.
2. Defendant's Motion for Summary Judgment (DE 29) is **GRANTED**.
3. Count II of Plaintiff's Complaint (DE 1) is **DISMISSED** without prejudice.
4. Final Judgment will be entered by way of a separate Order.
5. All hearings, trial, and deadlines are **CANCELED**.
6. The Clerk of Court is directed to **CLOSE** this case.

**DONE AND ORDERED** in Chambers in Miami, Florida, on this 13th day of May, 2024.

  
KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE