

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

CASE NO. 20-CIV-81754-RAR

**ESURANCE PROPERTY AND
CASUALTY INSURANCE COMPANY,**

Plaintiff,

v.

KHRYSTAL VERGARA, et al.,

Defendants.

**ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION AND
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

THIS CAUSE comes before the Court upon United States Magistrate Judge Bruce E. Reinhart's Report and Recommendation ("Report") [ECF No. 75], entered on June 29, 2021. The Report recommends that the Court grant Plaintiff's Motion for Summary Judgment [ECF No. 54], deny Defendants' Motion for Summary Judgment [ECF No. 60], and enter declaratory judgment for Plaintiff on Counts I-III. *See* Report at 15. Defendants filed objections to the Report on July 13, 2021 [ECF No. 77].

When a magistrate judge's "disposition" has been properly objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). Because Defendants filed timely objections to the Report, the Court has conducted a *de novo* review of Magistrate Judge Reinhart's legal and factual findings. Having carefully reviewed the Second Amended Complaint [ECF No. 49], the parties' summary judgment motions and related responses and replies [ECF Nos. 54, 58, 59, 60, 64, 70], the parties' Joint Statement of Undisputed Material Facts [ECF No. 73], the Report [ECF No. 75], and Defendants' Objections [ECF No. 77], and being otherwise fully advised, it is

ORDERED AND ADJUDGED as follows:

- 1) The Report [ECF No. 75] is **AFFIRMED AND ADOPTED**.
- 2) Plaintiff's Motion for Summary Judgment [ECF No. 54] is **GRANTED**.
- 3) Defendants' Motion for Summary Judgment [ECF No. 60] is **DENIED**.
- 4) A declaratory judgment shall be entered in accordance with the foregoing by separate order.

DONE AND ORDERED in Ft. Lauderdale, Florida, this 14th day of July, 2021.



RODOLFO RUIZ
UNITED STATES DISTRICT JUDGE

cc: Counsel of record
Magistrate Judge Bruce E. Reinhart