

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 23-81407-CIV-CANNON/McCabe**

**CAULFIELD & WHEELER, INC.,**

Plaintiff,

v.

**MARSH & MCLENNAN AGENCY, LLC,**

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S  
AMENDED REPORT AND RECOMMENDATION [ECF No. 12]**

**THIS CAUSE** comes before the Court upon Magistrate Judge McCabe's Amended Report and Recommendation on Defendant's Motion to Dismiss and Motion to Strike Attorney's Fees (the "Report") [ECF No. 12]. On October 27, 2023, Defendant Marsh & McLennan Agency, LLC, moved to Dismiss the State Court Complaint and Strike Plaintiff's Demand for Attorney's Fees (the "Motion") [ECF No. 6]. On November 30, following referral, Judge McCabe issued a Report recommending that the Motion be denied [ECF No. 12 p. 8]. Objections to the Report were due on January 18, 2023 [ECF No. 12 p. 8]. No party filed objections, and the time to do so has expired [ECF No. 12 p. 8].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject,


or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error of law or fact on the face of the record. *Macort*, 208 F. App'x at 784; *see also* 28 U.S.C. § 636(b)(1).

Following review, the Court finds no error in the well-reasoned Report. For the reasons set forth in the Report [ECF No. 12 pp. 3–7], it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The Amended Report and Recommendation [ECF No. 12] is **ACCEPTED**.
2. Defendant's Motion to Dismiss/Strike [ECF No. 6] is **DENIED**.
3. On or before **February 20, 2024**, Defendant shall file an answer to Plaintiff's Complaint [ECF No. 1].

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this 6th day of February 2024.

  
**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record