

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

CASE NO. 24-80815-CIV-SMITH/REINHART

EMILY KENNEDY,

Plaintiff,

v.

AMGUARD INSURANCE COMPANY,

Defendant.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

This matter is before the Court upon the Magistrate Judge's Omnibus Report and Recommendation [DE 32] on Plaintiff's Motion to Amend Complaint and Remand [DE 9] and Defendant's Motion for Leave to Amend its Affirmative Defenses by virtue of its Notice of Withdrawing Affirmative Defenses 2, 5, and 7 [DE 27]. The Magistrate Judge's Report and Recommendation recommends granting Defendant's Motion for Leave to Amend its Affirmative Defenses [DE 27] and denying Plaintiff's Motion to Amend and Remand [DE 9]. On January 27, 2025, Plaintiff filed a Notice of No Objection to the Magistrate's Omnibus Report and Recommendation [DE 33]. Accordingly, having reviewed the Report and Recommendation, the parties' motions, the record, and given Plaintiff's non-objection, it is

ORDERED that:

- 1) Magistrate Judge's Omnibus Report and Recommendation [DE 32] is **AFFIRMED and ADOPTED** and incorporated by reference into this Court's Order.
- 2) Plaintiff's Motion to Amend Complaint and Remand [DE 9] is **DENIED**.

3) Defendant's Motion for Leave to Amend its Affirmative Defenses [DE 27] is **GRANTED.**

DONE and ORDERED in Fort Lauderdale, Florida, this 27th day of January 27, 2024.

A handwritten signature in black ink, appearing to read "Rodney Smith", is written over a horizontal line.

RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record