

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEICO MARINE INSURANCE COMPANY :
f/k/a SEAWORTH INSURANCE :
COMPANY, :
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Plaintiff, :
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-v- :
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GREAT NORTHERN INSURANCE :
COMPANY, :
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Defendant. :
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DATE FILED: 09/26/2017

GREGORY H. WOODS, United States District Judge:

On March 9, 2016, Plaintiff GEICO Marina Insurance Company f/k/a/ Seaworthy Insurance Company (“GEICO”) filed this action against Great Northern Insurance Company (“GNIC”) seeking declaratory relief concerning an obligation to indemnify GEICO for amounts paid in a personal injury action in this district. Dkt. No. 1. On April 11, 2016, the Court referred this matter to Magistrate Judge Ellis for general pre-trial and all motions. Dkt. No. 14. On October 7, 2016, GEICO and GNIC each filed motions for summary judgment. Dkt. Nos. 24 & 32. The parties filed oppositions on November 4, 2016. Dkt. Nos. 40 & 44. Judge Ellis issued his Report and Recommendation (“R&R”) on September 11, 2017, recommending that both parties’ motions be denied. R&R at 16, Dkt. No. 46. The R&R advised that “the parties shall have fourteen (14) days after being served with a copy” of the R&R “to file written objections.” R&R at 16. No party has lodged objections to the R&R, and the time to do so has expired.

In reviewing an R&R, a district court “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)(C). A district

court must “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no timely objections are made, however, “a district court need only satisfy itself that there is no clear error on the face of the record.” *King v. Greiner*, No. 02 Civ. 5810, 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (citation omitted); *see also Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

After reviewing the record, the Court finds no clear error in Judge Ellis’ R&R. Accordingly, the Court adopts the R&R in its entirety, and, for the reasons set forth therein, denies the parties’ motions for summary judgment. The Court will schedule a conference with the parties in due course to discuss the next stage of this litigation.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 24 and 32.

SO ORDERED.

Dated: September 26, 2017
New York, New York



GREGORY H. WOODS
United States District Judge