IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA FLORENCE DIVISION

Builders Mutual Insurance Company,) C.A. No. 4:10-786-TLW-SVH
Plaintiff,)
vs.	ORDER
Wingard Properties, Inc., James Thomas Wingard, III, Deborah Wingard,)))
The Sater Design Collections, Inc.,)
Defendants.)
)

This matter is now before the undersigned for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hodges recommends that the Plaintiff's Motion to Strike be granted in part and denied in part, as follows: (1) be denied as to Sater's prayer for costs and demand for a jury trial; (2) be granted as to Sater's prayer for attorney's fees and its prayer that this court retain jurisdiction over a potential bad faith claim. (Doc. # 39). No objections have been filed.

This Court is charged with conducting a <u>de novo</u> review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the

applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that

the Magistrate Judge's Report is ACCEPTED (Doc. # 39), and Plaintiff's Motion to Strike is

GRANTED IN PART AND DENIED IN PART, as follows: (1) is **DENIED** as to Sater's prayer

for costs and demand for a jury trial; (2) is GRANTED as to Sater's prayer for attorney's fees and

its prayer that this court retain jurisdiction over a potential bad faith claim. (Doc. #27).

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

January 24, 2011

Florence, South Carolina

2