

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

RICKIE SIMS,

Plaintiff,

v.

LIBERTY MUTUAL INSURANCE CO.,

Defendant.

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CIVIL ACTION NO. 9:14-CV-13

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of and recommended disposition on case-dispositive pretrial motions. On December 22, 2017, Judge Giblin issued his report and recommendation in which he recommended that the Court lift the stay, deny a number of pending motions, and grant defendant Liberty Mutual Insurance Company's motion for summary judgment. *See* Report and Recommendation (Doc. No. 46). The parties have not filed objections to the magistrate judge's report.

In accordance with 28 U.S.C. § 636(b), the court conducted a *de novo* review of the magistrate judge's findings, the record, and the applicable law in this proceeding. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted.

The Court **ORDERS** that the Report and Recommendation (Doc. No. 46) is **ADOPTED**. Pursuant to Judge Giblin's recommendation, the Court **ORDERS** that the stay entered in this case by order (Doc. No. 32) is lifted to allow for final disposition.

It is further **ORDERED** that the following motions are **DENIED**:

-Liberty Mutual's motions to dismiss for mootness (Doc. No. 42, Doc. No. 45);

-Plaintiff's motion to remand (Doc. No. 17);

- Plaintiff's motion for leave to file fourth amended complaint (Doc. No. 26); and
- Plaintiff's motions for Partial Summary Judgment (Doc. No. 15, Doc. No. 16).

The Court finally **ORDERS** that the defendant Liberty Mutual Insurance Company's motion for summary judgment (Doc. No. 14) is **GRANTED** as recommended by Judge Gibilin. Plaintiff's claims are **DISMISSED** in their entirety, with prejudice. The Court finds in favor of Liberty Mutual Insurance Company on its request for a declaratory judgment determining that the applicable uninsured/under-insured motorist (UM/UIM) policy limit for the policy at issue in this case is \$250,000.00, as set forth in further detail in the magistrate judge's report. The Court will enter final judgment separately.

So Ordered and Signed

Jan 10, 2018



Ron Clark, United States District Judge