

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN ADMIRALTY

Case No.: 8:23-cv-2582-KKM-AEP

IN THE MATTER OF THE COMPLAINT
OF JASON PAYNE AND PENNY PAYNE,
as Owners of a 2008 Meridian 411 Sedan,
“Lucky Penny II,” HIN MDNJ5002D708, for
Exoneration from or Limitation of Liability,

Petitioners.

ORDER

On December 24, 2023, Matthew Gutwill filed his answer and claim in this admiralty limitation action. (Doc. 20). In that filing, he “demand[ed] a right to a jury trial.” *Id.* ¶ 53. Limitation Plaintiffs moved to strike the jury demand. (Doc. 25). On February 7, 2024, the United States Magistrate Judge entered a Report and Recommendation, recommending that the Limitation Plaintiffs’ motion be granted. (Doc. 44). The fourteen-day deadline to object to the Magistrate Judge’s Report and Recommendation has passed without either party lodging an objection. Considering the record, the Court adopts the Report and Recommendation for the reasons stated therein and grants the motion.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge’s Report

and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

In the absence of any objection and after reviewing the factual allegations and legal conclusions, the Court adopts the Report and Recommendation. Like the magistrate judge, I find no authority for the proposition that Gutwill is entitled to a jury trial in the instant action.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 44) is **ADOPTED** and made a part of this Order for all purposes.
2. Limitation Plaintiff's Motion to Strike Jury Demand (Doc. 25) is **GRANTED**.

ORDERED in Tampa, Florida, on February 23, 2024.


Kathryn Kimball Mizelle
United States District Judge