

PNI Litig. Tr. v. Nat'l Union Fire Ins. Co. of Pittsburgh, P.A.

Decided Mar 15, 2023

1:21-cv-21416-GAYLES/TORRES

03-15-2023

PNI LITIGATION TRUST, the duly authorized successor to PATRIOT NATIONAL, INC., Plaintiff, v. NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, P.A., and RSUI INDEMNITY COMPANY, Defendants.

DARRIN P. GAYLES, UNITED STATES DISTRICTJUDGE

ORDER

DARRIN P. GAYLES, UNITED STATES DISTRICTJUDGE

THIS CAUSE comes before the Court on Chief Magistrate Judge Edwin G. Torres' Report and Recommendation (the "Report"), [ECF No. 142], regarding Plaintiff PNI Litigation Trust's ("Plaintiff") Motion for Partial Summary Judgment ("Plaintiff's Motion"), [ECF No. 107], and Defendants', National Union Fire Insurance and RSUI Indemnity Company (collectively, "Defendants"), Motion for Summary Judgment ("Defendants' Motion"), [ECF No. 112]. On April 29, 2021, the Court referred this case to Judge Torres, pursuant to [28 U.S.C. § 636\(b\)\(1\)\(B\)](#), for a ruling on all pre-trial, non-dispositive matters and a report and recommendation on all dispositive matters. [ECF No. 29]. On February 14, 2023, Judge Torres issued his Report recommending that the Court deny Plaintiff's Motion and grant Defendants' Motion. [ECF No. 142]. Plaintiff filed

2 timely objections to the Report. [ECF No. 144]. *2

A district court may accept, reject, or modify a magistrate judge's report and recommendation. [28 U.S.C. § 636\(b\)\(1\)](#). Those portions of the report and recommendation to which objections are made are accorded *de novo* review, if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, [565 F.3d 1353, 1360](#) (11th Cir. 2009); *see also* [Fed.R.Civ.P. 72\(b\)\(3\)](#). Any portions of the report and recommendation to which *no* specific objections are made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, [199 F.Supp.2d 1271, 1276](#) (M.D. Fla. 2001); *accord* *Macort v. Prem, Inc.*, [208 Fed.Appx. 781, 784](#) (11th Cir. 2006).

Having conducted a *de novo* review of the record, the Court agrees with Judge Torres' well-reasoned analysis and conclusion that Plaintiff's Motion for Partial Summary Judgment be denied, Defendants' Motion for Summary Judgment be granted, and that the case be dismissed with prejudice.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Chief Magistrate Judge Edwin G. Torres' Report and Recommendation, [ECF No. 142], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
2. Plaintiff PNI Litigation Trust's Motion for Partial Summary Judgment, [ECF No. 107], is **DENIED**.

3. Defendants', National Union Fire Insurance and RSUI Indemnity Company, Motion for Summary Judgment, [ECF No. 112], is **GRANTED**.

4. The Complaint is **DISMISSED with prejudice**.

5. Final Judgment is entered in favor of Defendants National Union Fire Insurance and RSUI Indemnity Company and will be entered under a separate order.

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6. This case is **CLOSED**. Any pending motions are denied as moot.

DONE AND ORDERED.
