

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 2:19-CV-14071-ROSENBERG/MAYNARD**

LISETTE DWYER,

Plaintiff,

v.

GLOBE LIFE AND ACCIDENT INSURANCE  
COMPANY,

Defendant.

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**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION**


This matter is before the Court upon Defendant Globe Life and Accident Insurance Company's Motion for Summary Judgment (DE 20) and Plaintiff Lisette Dwyer's Counter Motion for Summary Judgment (DE 28), which were previously referred to the Honorable Shaniek M. Maynard for a Report and Recommendation on any dispositive matters. DE 40. On November 25, 2019, Judge Maynard issued a Report and Recommendation recommending that Defendant's Motion for Summary Judgment be granted and Plaintiff's Counter Motion for Summary Judgment be denied. DE 48. Plaintiff filed objections on December 9, 2019. DE 50. The Court has conducted a *de novo* review of Magistrate Judge Maynard's Report and Recommendation, the objections, and the record, and is otherwise fully advised in the premises. Upon review, the Court finds Judge Maynard's recommendations to be well reasoned and correct, and concludes that Defendant is entitled to summary judgment for the reasons stated in the Report and Recommendation.

Finally, the Court wishes to express its sincere condolences to Ms. Dwyer for the tragic loss of her son, a burden no parent should have to bear. The Court's conclusion that the

insurance contract does not provide for coverage in light of the record should not be taken to impugn Ms. Dwyer's understanding of her son. It is an unfortunate reality that litigation cannot always provide the measure of relief commensurate with a party's grief. With thanks to both parties for their work under these difficult circumstances, it is **ORDERED AND ADJUDGED** as follows:

1. Magistrate Judge Maynard's Report and Recommendation [DE 48] is hereby **ADOPTED**.
2. Defendant's Motion for Summary Judgment [DE 20] is **GRANTED**.
3. Plaintiff's Counter Motion for Summary Judgment [DE 28] is **DENIED**.
4. The Clerk of the Court is instructed to **CLOSE THIS CASE**. All pending motions are **DENIED AS MOOT** and all deadlines are terminated.
5. Defendant shall file a proposed Final Judgment on or before **December 23, 2019**.

**DONE and ORDERED** in Chambers, West Palm Beach, Florida, this 17th day of December, 2019.

  
ROBIN L. ROSENBERG  
UNITED STATES DISTRICT JUDGE

Copies furnished to Counsel of Record