

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:21-cv-21698-GAYLES/TORRES

ATHOS OVERSEAS, LTD.,

Plaintiff,

v.

**YOUTUBE, INC., YOUTUBE, LLC, and
GOOGLE, LLC,**

Defendants.

ORDER

THIS CAUSE comes before the Court on Chief Magistrate Judge Edwin G. Torres’ Amended Report and Recommendation (the “Amended Report”), [ECF No. 185], regarding Plaintiff Athos Overseas, Ltd.’s (“Plaintiff”) Motion for Partial Summary Judgment (“Plaintiff’s Motion”), [ECF Nos. 113, 125], and Defendants YouTube, Inc., YouTube, LLC, and Google LLC’s (collectively, “Defendants”) Cross Motion for Summary Judgment (“Defendants’ Motion”), [ECF Nos. 115, 134-1]. This case was referred 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. 155]. On May 16, 2023, Judge Torres issued his original Report and Recommendation recommending that the Court deny Plaintiff’s Motion and grant Defendants’ Motion. [ECF No. 171]. Plaintiff filed timely objections to the Report, [ECF Nos. 177, 183], to which Defendants responded, [ECF No. 184]. Judge Torres subsequently issued the Amended Report to correct minor scrivener’s errors. [ECF No. 185].

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 objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings

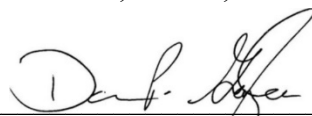
that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

Having conducted a *de novo* review of the record, including the Motion, the Amended Report, Plaintiff’s objections, and Defendants’ response to the objections, the Court agrees with Judge Torres’ well-reasoned analysis and conclusion that Plaintiff’s Motion for Partial Summary Judgment be denied, and Defendants’ Motion for Summary Judgment be granted.

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

- (1) Chief Magistrate Judge Edwin G. Torres’ Amended Report and Recommendation, [ECF No. 185], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
- (2) Plaintiff Athos Overseas, Ltd.’s Motion for Partial Summary Judgment, [ECF Nos. 113, 125], is **DENIED**.
- (3) Defendants YouTube, Inc., YouTube, LLC, and Google LLC’s Motion for Summary Judgment, [ECF Nos. 115, 134-1], is **GRANTED**.
- (4) Pursuant to Federal Rule of Civil Procedure 58, final judgment shall be entered separately.
- (5) The Status Conference scheduled for August 30, 2023, is **CANCELLED**.
- (6) This action is **CLOSED** for administrative purposes.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th day of August, 2023.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record