

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
KEY WEST DIVISION

CASE NO. 17-CV-10050-JLK

THE MATTER OF:  
THE COMPLAINT OF HORIZON DIVE  
ADVENUTRES, INC., as owner of the  
M/V Pisces, Hull ID FVL31002F707, its  
engines, tackle, appurtenances, equipment,  
etc., in a cause for exoneration from or  
limitation of liability,

Petitioner,

v.

PETER SOTIS and SANDRA STEWART, as  
personal representative of the estate of Robert  
Stewart,

Respondents/Claimants.

**FINAL ORDER GRANTING CLAIMANT SANDRA STEWART'S MOTION TO  
DISMISS CLAIMANT PETER SOTIS'S CLAIMS FOR INTENTIONAL INFLICTION  
OF EMOTIONAL DISTRESS AND NEGLIGENT INFLICTION OF EMOTIONAL  
DISTRESS**

**THIS MATTER** comes before the Court upon the November 28, 2018 Report & Recommendation of Magistrate Judge Andrea R. Simonton (DE 125), recommending that Claimant Sandra Stewart's Motion to Strike or Dismiss Claimant Peter Sotis's Claims for Intentional Infliction of Emotional Distress and Negligent Infliction of Emotional Distress (DE 78) be granted.<sup>1</sup>

After a thorough review of the record and consideration of the Report & Recommendation, the Court concludes that the Report & Recommendation is well-reasoned and

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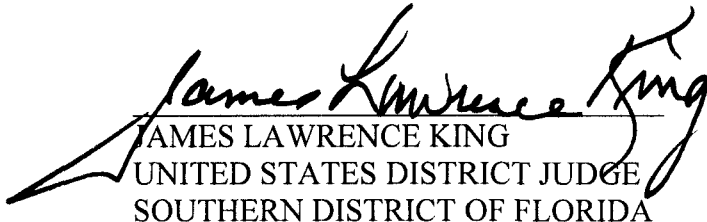
<sup>1</sup> Objections were due within fourteen days from the date of the Report & Recommendation (DE 125, at 11); none were filed.

accurately states the law of the case, under which Claimant Sotis's allegations in Count I of his Second Amended Claim are insufficient to support a claim of emotional distress under Florida law, *see, e.g., Rubio v. Lopez*, 445 F. App'x 170, 175 (11th Cir. 2011).

Accordingly, it is **ORDERED, ADJUDGED, and DECREED** as follows:

1. Magistrate Judge Andrea M. Simonton's November 28, 2018 Report & Recommendation (**DE 125**) is hereby **AFFIRMED** and **ADOPTED** as an Order of this Court;
2. Claimant Sandra Stewart's Motion to Strike or Dismiss Claimant Peter Sotis's Claims for Intentional Infliction of Emotional Distress and Negligent Infliction of Emotional Distress (**DE 78**) is hereby **GRANTED**; and
3. Count I of Claimant Peter Sotis's Second Amended Claim (**DE 68**) is hereby **DISMISSED**.

**DONE and ORDERED** in Chambers at the James Lawrence King Federal Justice Building and United States Courthouse in Miami, Florida, on this 13th day of December, 2018.

  
JAMES LAWRENCE KING  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF FLORIDA

**cc: Magistrate Judge Andrea M. Simonton**  
**All Counsel of Record**