

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

|                          |   |                     |
|--------------------------|---|---------------------|
| NAZARIE ROMAIN ANDERSON, | : |                     |
|                          | : |                     |
| Plaintiff,               | : |                     |
|                          | : | CIVIL ACTION NO.    |
| vs.                      | : |                     |
|                          | : | 1:19-CV-4891-CC-AJB |
| EMORY HEALTHCARE, INC.,  | : |                     |
|                          | : |                     |
| Defendant.               | : |                     |

**ORDER**

The above-styled action is before the Court on the Final Report and Recommendation (the “R&R”) [Doc. No. 56] issued by Chief Magistrate Judge Alan J. Baverman on July 27, 2021. In the R&R, Chief Magistrate Judge Baverman recommends that the Court grant Defendant Emory Healthcare, Inc.’s Motion for Summary Judgment [Doc. No. 40]. Plaintiff’s Objections to the United States Magistrate Judge’s R&R [Doc. No. 58] were filed on August 11, 2021. Defendant’s Response to Plaintiff’s Objections to the R&R [Doc. No. 59] was filed on August 25, 2021.

After reviewing a magistrate judge’s findings and recommendations submitted pursuant to 28 U.S.C. § 636(b)(1)(B), a district judge may accept, reject, or modify the findings or recommendations. 28 U.S.C. § 636(b)(1). A party challenging a report and recommendation must “file . . . written objections which

shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection.” Macort v. Prem, Inc., 208 F. App’x 781, 783 (11th Cir. 2006) (citation and internal quotation marks omitted); see also Fed. R. Civ. P. 72(b)(2). A district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” Jeffrey S. v. State Bd. of Educ. of Ga., 896 F.2d 507, 512 (11th Cir. 1990) (citation omitted). The district judge must “give fresh consideration to those issues to which specific objection has been made by a party.” Id. “Frivolous, conclusive, or general objections need not be considered by the district court.” Marsden v. Moore, 847 F.2d 1536, 1548 (11th Cir. 1988) (citation omitted). Those portions of a report and recommendation to which an objection has not been made are reviewed for plain error. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

Having conducted a de novo review of those portions of the R&R to which Plaintiff objects and having reviewed the relevant parts of the record and applicable law, the Court finds that Plaintiff’s objections are without merit for the persuasive reasons articulated in Defendant’s Response to Plaintiff’s Objections to the R&R. A thorough review of the evidence indicates that Chief Magistrate Judge Baverman did not draw any improper inferences in resolving the summary judgment motion. Further, under the circumstances of this case, the determination

that Defendant had a good-faith basis for terminating Plaintiff is not one that must be made by a jury. The Court further finds no plain error with respect to the findings and conclusions in the remainder of the well-reasoned R&R. Accordingly, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** the R&R as the decision of this Court. The Court **GRANTS** Defendant's Motion for Summary Judgment and **DIRECTS** the Clerk to mark this case closed.

SO ORDERED this 26th day of August, 2021.

s/ CLARENCE COOPER  
CLARENCE COOPER  
SENIOR UNITED STATES DISTRICT JUDGE