

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Cameron Moore v. Jasmine Redd

Moore v. Redd · No. 25-81107-CIV-CANNON/McCabe · Decided March 9, 2026

SUMMARY

The United States District Court for the Southern District of Florida accepts a magistrate judge’s Report and Recommendation and denies the plaintiff’s motion to dismiss the defendant’s counterclaim. The court concludes that the plaintiff’s consent argument presents an affirmative defense not properly resolved at the motion-to-dismiss stage and orders the plaintiff to answer the counterclaim by March 27, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 9, 2026
DOCKET	25-81107-CIV-CANNON/McCabe
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation on Plaintiff's motion to dismiss Defendant's counterclaim. Neither party filed objections.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 72(b)(3) and 28 U.S.C. § 636(b)(1), the district court reviews de novo those portions of a magistrate judge's report to which specific objections are made. If no objection is made, the court may accept the recommendation absent clear error on the face of the record.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motions to dismiss
- affirmative defenses
- civil procedure
- torts

PRACTICE AREAS

- civil procedure
- torts

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's report and recommendation when neither party filed objections.
2. Whether Plaintiff's alleged consent defense supported dismissal of Defendant's counterclaim at the motion-to-dismiss stage.

HOLDINGS

1. The district court accepted the report and recommendation because neither party objected and the court found the report well reasoned and correct.
2. Plaintiff's consent argument did not warrant dismissal of the counterclaim at the motion-to-dismiss stage because consent is an affirmative defense not properly raised at that stage on the allegations presented.

KEY QUOTATIONS

“To the extent a party fails to object to parts of the magistrate judge’s report, the Court may accept the recommendation so long as there is no clear error on the face of the record.”

“Following appropriate review, the Court finds the Report to be well reasoned and correct.”

FACTUAL BACKGROUND

Plaintiff alleged that Defendant secretly recorded private conversations without his consent and disseminated the recordings to third parties in violation of Florida law. Defendant's counterclaim alleged a romantic relationship involving threats and intimidation that culminated in a sexual battery on November 2, 2023. Plaintiff sought dismissal of the counterclaim based chiefly on an argument that Defendant consented to the parties' sexual contact.

PROCEDURAL HISTORY

Plaintiff commenced a tort action alleging that Defendant secretly recorded and disseminated private conversations without consent. Defendant asserted a counterclaim alleging threats, intimidation, and sexual battery. Plaintiff moved to dismiss the counterclaim, principally arguing that Defendant consented to the sexual contact. The magistrate judge recommended denying the motion, and the district court accepted the recommendation, denied the motion, and ordered Plaintiff to answer the counterclaim.

DISPOSITION

other

CASES CITED

- Heath v. Jones, 863 F.2d 815, 822 (11th Cir. 1989)
- Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006)

