UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION

Michael White v. Truist Bank and GEICO County Mutual Insurance Company

White · No. SA-24-CV-1357-FB · Decided December 30, 2025

SUMMARY

The United States District Court for the Western District of Texas accepted and adopted the magistrate judge's report and recommendation concerning GEICO County Mutual Insurance Company's motion for summary judgment. The court overruled Plaintiff Michael White's objections, granted summary judgment for GEICO, dismissed all claims against GEICO with prejudice, and dismissed the remaining claims against Truist Bank with prejudice, closing the case.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION MICHAEL WHITE, § § Plaintiff, § § VS. § CIVIL ACTION NO. SA-24-CV-1357-FB § TRUIST BANK and GEICO COUNTY § MUTUAL INSURANCE COMPANY, § § Defendants. § ORDER ACCEPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE Before the Court are the Report and Recommendation of United States Magistrate Judge filed on December 12, 2025 (docket #20), and Plaintiff's Objections to Report and Recommendation of the United States Magistrate Judge Regarding Defendant, GEICO County Mutual Insurance Company's Motion for Summary Judgment filed on December 26, 2025 (docket #22).

In the Report, Magistrate Judge Chestney explains that Defendant GEICO County Mutual Insurance Company (GEICO) seeks summary judgment on Plaintiff's claims for breach of contract and fraud, and that Plaintiff Michael White gave notice, in his response to GEICO's motion for summary judgment, that he "intends to non-suit his fraud claim with prejudice." Report, docket #20 at page 6.

Based upon that notice and the fact that Plaintiff White did not address GEICO's arguments related to his fraud claim in his response to the summary judgment motion, Judge Chestney found the fraud claim should be deemed abandoned. Id. With respect to the remaining breach of contract claim asserted against Defendant GEICO, Judge Chestney concluded that Defendant's motion for summary judgment has merit and recommends that the motion be granted.

Judge Chestney dismissed GEICO's evidentiary objections as moot. Id. at page 8. Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of them. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.").

In such cases, the Court need only review the Report and Recommendation and determine whether they are either clearly erroneous or contrary to law. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918 (1989).

On the other hand, any Report or Recommendation to which there are objections requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law.

The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. Battle v. United States Parole Commission, 834 F.2d 419, 421 (5th Cir. 1987). The Court has reviewed the Plaintiff's objections, which address only the breach of contract claim, and has conducted a de novo review of those issues properly raised by the Plaintiff in his objections.

The Court finds, after careful consideration of the record and the Report and Recommendation, that the Plaintiff's objections lack merit and are overruled. Therefore, the Court hereby accepts, approves, and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation (docket #20), and finds the recommendation should be accepted such that Defendant GEICO County Mutual Insurance Company's Motion for Summary Judgment (docket #13) shall be GRANTED such that all of the Plaintiff's claims against Defendant GEICO shall be DISMISSED WITH PREJUDICE.

Accordingly, it is hereby ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause on December 12, 2025 (docket #20), is ACCEPTED -2- pursuant to 28 U.S.C. § 636(b)(1) such that Defendant GEICO County Mutual Insurance Company's Motion for Summary Judgment (docket #13) is GRANTED and all of Plaintiff's claims against Defendant GEICO are DISMISSED WITH PREJUDICE.

In addition, the record reflects that Plaintiffs Notice of Dismissal with Prejudice of Defendant Truist Bank was filed on December 19, 2025 (docket #21), advising a settlement has been entered into to resolve Plaintiff's claims against Defendant Truist Bank and that Plaintiff is dismissing his claims against Defendant Truist Bank with prejudice.

Therefore, having disposed of all claims asserted in this case, the Court finds this case should be dismissed with prejudice. Therefore, IT IS FURTHER ORDERED that this case is DISMISSED WITH PREJUDICE. Motions pending, if any, are DISMISSED as moot, and this case is now

CLOSED. It is so ORDERED. SIGNED this 30th day of December, 2025. Feet CF FRED BIERY UNITED STATES DISTRICT JUDGE -3-

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