

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JIM LOURY on behalf of himself and  
those similarly situated,

Plaintiff,

vs.

Case No. 2:08-cv-286-FtM-29DNF

AMORE CONSTRUCTION COMPANY a Florida  
corporation,

Defendant.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #20), filed January 28, 2009, recommending that the Joint Motion for Approval of Settlement and Stipulation of Dismissal With Prejudice (Doc. #19) be granted, the settlement approved, and the case be dismissed. On February 2, 2009, the parties filed a Joint Notice of Non Objection Regarding the January 28, 2009 Report and Recommendation (Doc. #21).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9

(11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge and finds the settlement is fair and reasonable.

Accordingly, it is now


**ORDERED:**

1. The Report and Recommendation (Doc. #20) is hereby **adopted** and incorporated herein.

2. The Joint Motion for Approval of Settlement and Stipulation of Dismissal With Prejudice (Doc. #19) is **GRANTED** and the settlement is approved as fair and reasonable.

3. The Clerk is directed to enter judgment dismissing the case with prejudice, terminate all deadlines, and close the file.

**DONE AND ORDERED** at Fort Myers, Florida, this 3rd day of February, 2009.

  
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**JOHN E. STEELE**  
United States District Judge

Copies:  
Hon. Douglas N. Frazier  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties