

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DONNA DEMOND on behalf of herself
and those similarly situated,

Plaintiff,

vs.

Case No. 2:08-cv-296-FtM-29SPC

A & R ARCHITECTS, P.A. a Florida
corporation; ALAN D. ESPARZA
individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #37), filed May 18, 2009, recommending that the parties' Joint Motion for Approval of Settlement Agreement (Doc. # 35) be granted, the settlement approved, and the case be dismissed with prejudice. On May 19, 2009, the parties filed a Joint Notice of Non-Objection Regarding the Holding of the Report & Recommendation Dated May 18, 2009 (Doc. #38).

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 approves the settlement as fair and reasonable.

Accordingly, it is now


ORDERED:

1. The Report and Recommendation (Doc. #37) is hereby **adopted** and the findings incorporated herein.

2. The parties' Joint Motion for Approval of Settlement Agreement (Doc. # 35) is **GRANTED** and the Agreement and General Release (Doc. #35-2) is approved as fair and reasonable.

3. The Clerk shall enter judgment dismissing the case with prejudice except as otherwise agreed, terminate all pending motions and deadlines as moot, and close the case.

DONE AND ORDERED at Fort Myers, Florida, this 20th day of May, 2009.



JOHN E. STEELE
United States District Judge

Copies:

Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties