

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICHARD L. BROWN on his own behalf
and others similarly situated,

Plaintiff,

vs.

Case No. 2:08-cv-810-FtM-29SPC

ACOSTA, INC. a Florida corporation,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #25), filed November 30, 2009, recommending that the Joint Motion to Approve Settlement Agreement and Dismiss With Prejudice (Doc. #23) be granted, the settlement approved, and the case dismissed. No objections have been filed and the time to do so has expired.

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. #25) is hereby **adopted** and the findings incorporated herein.

2. Joint Motion to Approve Settlement Agreement and Dismiss With Prejudice (Doc. #23) is **GRANTED** and the Settlement Agreement and Mutual General Release (Doc. #23-2) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment dismissing the case with prejudice, except as otherwise provided by the settlement, terminate all deadlines and motions, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 17th day of December, 2009.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record