

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DANIEL TAYLOR on his own behalf and
others similarly situated,

Plaintiff,

vs.

Case No. 2:09-cv-50-FtM-29SPC

ADVANCED QUALITY TRANSPORTATION
SERVICE, INC. d/b/a Advanced Quality
Transport Service,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Amended Report and Recommendation (Doc. #38)¹, filed April 13, 2010, recommending that the Joint Motion for Approval of Settlement Agreement (Doc. #30) be granted and plaintiff's Motion for an Award of Attorney's Fees and Costs (Doc. #34) be granted but reduced. 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

¹The previously issued Report and Recommendation (Doc. #37) only addressed the request for attorney's fees and costs, therefore it will be rejected as moot.

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 to be fair and reasonable. The case will be dismissed on the basis of the agreement. The Court further finds that plaintiff is entitled to attorney's fees and statutory costs, but that the reductions in attorney's fees and costs were necessary and appropriate.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #37) is **rejected as moot**.

2. The Amended Report and Recommendation (Doc. #38) is hereby **adopted** and the findings incorporated herein.


3. The Joint Motion for Approval of Settlement Agreement (Doc. #30) is **GRANTED** and the Settlement and Release Agreement (Doc. #30-1) is **approved** as fair and reasonable.

4. Plaintiff's Motion for an Award of Attorney's Fees and Costs (Doc. #34) is **GRANTED**.

5. The Clerk shall enter judgment **dismissing** the case **with prejudice**, except as provided by the Settlement and Release Agreement, and awarding attorney's fees in the amount \$4,838.00 and costs in the amount \$395.60, in favor of plaintiff for a total of \$5,233.60.

6. The Clerk is further directed to terminate all deadlines and motions, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 3rd day of May, 2010.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties