

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SCOTT HUGHES on his own behalf and
others similarly situated,

Plaintiff,

vs.

Case No. 2:09-cv-426-FtM-29SPC

TIER ELECTRIC, INC. a Florida profit
corporation,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #29), filed April 22, 2010, recommending that the Joint Motion for Approval of Proposed Settlement and Dismissal With Prejudice (Doc. #28) be granted, the settlement be approved as fair and reasonable, and the case dismissed without prejudice. 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 finds the settlement is fair and reasonable.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #29) is hereby **adopted** and the findings incorporated herein.
2. The Joint Motion for Approval of Proposed Settlement and Dismissal With Prejudice (Doc. #28) is **GRANTED** and the Confidential Settlement Agreement and General Release (Doc. #28-1) is **approved** as fair and reasonable.
3. The Clerk shall enter judgment **dismissing** the case with prejudice, except as otherwise provided by the Confidential Settlement Agreement and General Release (Doc. #28-1), terminate all deadlines, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 10th 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