

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CHRISTINA FOOR; EVA GILLAN; MARYLOU
GULLBERGH,

Plaintiffs,

vs.

Case No. 2:09-cv-505-FtM-29SPC

CHICKS AHOY, INC., a Florida
corporation d/b/a Oasis Restaurant;
BONNIE G. GRUNBERG individually;
TAMMIE J. SHOCKEY, individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #12), filed February 4, 2010, recommending that the parties' Joint Motion for Approval of FLSA Settlement (Doc. #11) be granted, the settlements 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).

Although only Christina Foor and Eva Gillen are named plaintiffs, it would appear that a settlement was also reached with Marylou Gullbergh. Although no Consent form was signed by Marylou Gullbergh and filed with the Court, the Court will deem the signing of the Settlement Agreement by Marylou Gullbergh as consent to join this litigation.

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 settlements are fair and reasonable.

Accordingly, it is now

ORDERED:


1. The Report and Recommendation (Doc. #12) is hereby **adopted as modified** to construe the Settlement Agreement of Marylou Gullbergh as containing a consent to join the litigation.

2. The parties' Joint Motion for Approval of FLSA Settlement (Doc. #11) is **GRANTED** and the Settlement Agreements and Full and Final Releases of All Claims (Doc. #11, p. 4, p. 8, p. 12) as to

Christina Foor, Eva Gillen, and Marylou Gullbergh are **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 pending matters, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 24th day of February, 2010.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties