

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

KRISTIAN A. JACOBS individually and on behalf of all others similarly situated; GAYLE VANDERBERG individually and on behalf of all others similarly situated; MICHELE FLAITZ individually and on behalf of all others similarly situated; REBECCA DRAPER individually and on behalf of all others similarly situated; CARY WATSON individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

Case No. 2:09-cv-514-FtM-29SPC

ORT SERVICES, INC. a Florida corporation d/b/a Harbourside Grill & Tiki Bar; ALFRED PANIAGUA individual; DEAN FOX individual,

Defendants.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #25), filed January 19, 2010, recommending that the parties' Joint Motion to Approve Settlement Agreement (Doc. #24) be granted, the settlement approved, and the case be dismissed with 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 approves the settlement as fair and reasonable.

Accordingly, it is now


**ORDERED:**

1. The Report and Recommendation is hereby **adopted** and the findings incorporated herein.

2. The parties' Joint Motion to Approve Settlement Agreement (Doc. #24) is **GRANTED** and the Settlement, General Release and Non-Disclosure Agreement (Doc. #24-1) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment **dismissing** the case with prejudice, except as otherwise provided by the settlement. The Clerk is further directed to terminate all pending matters as moot and to close the file.

**DONE AND ORDERED** at Fort Myers, Florida, this 8th day of February, 2010.

  
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**JOHN E. STEELE**  
United States District Judge

Copies:  
Hon. Sheri Polster Chappell  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties