

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GABRIELE GOERN,

Plaintiff,

v.

Case No: 2:16-cv-755-FtM-99MRM

EVERGLADES DAY SAFARI, INC.,

Defendant.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #32), filed July 14, 2017, recommending that the parties' Amended Joint Motion for Approval of Settlement and Dismissal With Prejudice (Doc. #31) be approved, as modified to strike certain language. 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). 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.

Accordingly, it is now

**ORDERED:**

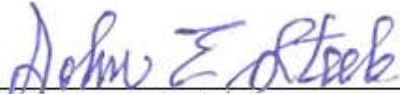
1. The Report and Recommendation (Doc. #32) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Amended Joint Motion for Approval of Settlement and Dismissal With Prejudice (Doc. #31) is **granted** with one exception. The Waiver and General Release in paragraph 3 of Settlement Agreement and General Release (Doc. #26) is **stricken and modified** to read "In exchange for the consideration provided for in this agreement, plaintiff unconditionally releases the Defendant from any FLSA claim."

3. The Settlement Agreement and General Release (Doc. #26) is **approved as modified** as a fair and reasonable resolution of a bona fide dispute. .

4. The Clerk shall enter judgment **dismissing** the case with prejudice, terminate all deadlines and motions, and close the file.

**DONE and ORDERED** at Fort Myers, Florida, this 2nd day of August, 2017.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Hon. Mac R. McCoy  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties