

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANSLEY CARLSON on behalf of herself
and those similarly situated,

Plaintiff,

vs.

Case No. 2:08-cv-471-FtM-29SPC

LONDON BAY CONSTRUCTION, INC. a
Florida corporation doing business
as London Bay Homes,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #53), filed August 6, 2009, recommending that the Joint Motion for Approval of Settlement (Doc. #51) be granted, the settlement agreement approved, and the case be dismissed with prejudice. On August 7, 2009, the parties filed a Joint Notice of Non-Objection Regarding the Holding of the Report & Recommendation Dated August 6, 2009 (Doc. #54).

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 (Doc. #53) is hereby **adopted** and the findings incorporated herein.

2. The Joint Motion for Approval of Settlement (Doc. #51) is **GRANTED** and the Settlement Agreement and Release (Doc. #51-2) is approved as fair and reasonable.

3. The Clerk shall enter judgment dismissing the case with prejudice except as otherwise provided by settlement.

4. The Clerk is further directed to terminate all deadlines and motions as moot, including plaintiff's Motion to Dismiss Defendant's Counterclaims (Doc. #45), and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 10th day of August, 2009.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties