

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOHN KUCABA on behalf of himself and
others similarly situated,

Plaintiff,

vs.

Case No. 2:08-cv-833-FtM-29DNF

THE AERIAL COMPANIES, INC. a Florida
corporation, CRAG M. KOBZA,
individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #36), filed January 28, 2010, recommending that the parties' Joint Motion for Approval of Settlement (Doc. #35) be granted, the settlement be 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).

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. #36) is hereby **adopted** and the findings incorporated herein.

2. The parties' Joint Motion for Approval of Settlement (Doc. #35) is **GRANTED** and the Settlement Agreement and Full and Final Mutual Release of All Claims (Doc. #35-2) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment **dismissing** the case with prejudice, except as otherwise provided by the settlement agreement, terminate all deadlines and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 16th day of February, 2010.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Douglas N. Frazier
United States Magistrate Judge

Counsel of Record
Unrepresented parties