

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICHARD FRIEDHOFER, on his own
behalf and others similarly
situated,

Plaintiff,

vs.

Case No. 2:09-cv-67-FtM-29DNF

KENT TECHNOLOGIES, LLC a limited
liability company, FRANK MAMBUCA,
individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #29), filed November 10, 2009, recommending that the Joint Motion and Stipulation for Approval of Settlement and for Final Order of Dismissal With Prejudice (Doc. #28) be granted, the settlement be approved as fair and reasonable, and the case be dismissed with prejudice. The parties waived the ten day objection period in the Joint Motion. (Doc. #28, p. 5.)

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

2. The Joint Motion and Stipulation for Approval of Settlement and for Final Order of Dismissal With Prejudice (Doc. #28) is **GRANTED** and the Settlement Agreement and Release (Doc. #28-3) is **approved** as fair and reasonable.

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

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



JOHN E. STEELE
United States District Judge

Copies:

Hon. Douglas N. Frazier
United States Magistrate Judge

Counsel of Record
Unrepresented parties