

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MICHAEL HOWARD on behalf of Brittany  
Howard; ALEJANDRO HOWARD on behalf  
of Brittany Howard,

Plaintiffs,

vs.

Case No. 2:09-cv-191-FtM-29SPC

T.C. MULTIFOODS, INC. doing business  
as Wetzel's Pretzels, LLC; KENNETH  
J. CRAMER an 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. #11), filed May 15, 2009, recommending that plaintiffs' Motion to Review and Approve FLSA Settlement and Dismiss Action With Prejudice (Doc. #7) be granted 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 approves the settlement as fair and reasonable.

Accordingly, it is now


**ORDERED:**

1. The Report and Recommendation (Doc. #11) is hereby **adopted**.

2. Plaintiffs' Motion to Review and Approve FLSA Settlement and Dismiss Action With Prejudice (Doc. #7) is **GRANTED** and the Settlement Agreement and Release of Claims (Doc. #9-2) is approved as fair and reasonable.

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

**DONE AND ORDERED** at Fort Myers, Florida, this 8th day of June, 2009.

  
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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