

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ALAN SURLOFF, on his own behalf and  
others similarly situated,

Plaintiff,

vs.

Case No. 2:10-cv-305-FtM-29SPC

PARAMOUNT DRYWALL, INC., a Florida  
Corporation; PARAMOUNT STUCCO, LLC,  
a Florida limited liability  
company,

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. #28), filed December 23, 2010, recommending that the Joint Motion for Court Approval of Agreement and General Release (Doc. #26) be granted. Plaintiff and defendants filed Notices of No Objection (Docs. #29, #30) indicating no objections to the Report and Recommendation.

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 that the settlement is fair and reasonable in light of counsel's agreement to accept a reduced amount for attorney's fees. The Court will also dismiss the case with prejudice.

Accordingly, it is now


**ORDERED:**

1. The Report and Recommendation (Doc. #28) is hereby **adopted**.

2. The parties' Joint Motion for Court Approval of Agreement and General Release (Doc. #26) is **GRANTED** and the Agreement and General Release (Doc. #26-1) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment dismissing the case with prejudice except as provided by the Agreement and General Release, terminate all deadlines, and close the file.

**DONE AND ORDERED** at Fort Myers, Florida, this 5th day of January, 2011.

  
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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