

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

GAUDENCIO GARCIA-CELESTINO,
RAYMUNDO CRUZ-VICENCIO, RAUL
ISMAEL ESTRADA-GABRIEL, DANIEL
FERRO-NIEVES, JOSE MANUEL
FERRO-NIEVES, FELIPE ANGELES
GALLARDO, SIMON GUZMAN-
ROMERO, FRANCISCO MATA-CRUZ,
individually and on behalf of all other
persons similarly situated,

Plaintiffs,

v.

Case No: 2:10-cv-542-FtM-99DNF

RUIZ HARVESTING, INC., BASILISO
RUIZ and CONSOLIDATED CITRUS
LIMITED PARTNERSHIP,

Defendants.

ORDER

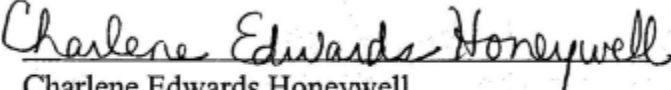
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Douglas N. Frazier on May 25, 2012 (Doc. 113). In the Report and Recommendation, Judge Frazier recommends that the First Motion to Approve Settlement of all Plaintiffs' claims, filed by the named Plaintiffs and the remainder of the class certified by this Court ("Plaintiffs"), and Defendant Ruiz Harvesting, Inc. ("Defendant Ruiz") and Defendant Basiliso Ruiz ("Defendant B. Ruiz") (collectively "the Ruiz Defendants") on May 4, 2012 ("Motion for Approval of Settlement") (Doc. 96) be denied. Neither party has objected to the Report and Recommendation and the time to do so has expired.

The Court agrees with the Magistrate Judge that because there is no indication that the Defendants have complied with the Class Action Fairness Act, 28 U.S.C. § 1715(b), and therefore the Court cannot make determinations on the two claims with class certification, that the Motion for Approval of Settlement is premature. Doc. 113, p.2. Thus, after careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 113) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Plaintiffs' and Defendants' Ruiz Harvesting, Inc. and Basiliso Ruiz First Motion to Approve Settlement of all Plaintiffs' claims (Doc. 96) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on June 14, 2012.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:
Counsel of Record