

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LAURIE CAMPBELL, on her own behalf
and on behalf of others similarly
situated,

Plaintiff,

vs.

Case No. 2:10-cv-623-FtM-29SPC

SOUTH FLORIDA BARBEQUE, INC., d/b/a
SONNY'S BBQ PALM BEACH BLVD., DALE
COYNE and ALAN HOROWITZ,
individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #99), filed August 29, 2011, recommending that the Notices of Acceptance of the Defendant's Offers of Judgment, construed as motions, be granted and the settlement agreements be approved; that plaintiff submit for review a copy of billing records or a copy of an agreement for reasonable fees and costs by September 13, 2011; and that the case be dismissed with prejudice with the Court retaining jurisdiction over the issue of attorney's fees and costs. No objections have been filed, and the time to do so has expired. Also before the Court is plaintiff's Unopposed Motion for Extension of Time to File Motion for Attorneys' Fees and Costs (Doc. #100) filed on September 13, 2011.

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.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #99) is hereby **adopted**.


2. The Notices of Acceptance, deemed motions for approval of settlement, are **GRANTED** and the Offers of Judgment are **approved** as fair and reasonable.

3. Plaintiff's Unopposed Motion for Extension of Time to File Motion for Attorneys' Fees and Costs (Doc. #100) is **GRANTED** and the Motion for Award of Attorneys' Fees and Costs (Doc. #101) is accepted as timely filed.

4. The Clerk shall enter judgment **dismissing** the case with prejudice, terminate all deadlines, and close the file.

5. The Motion for Award of Attorneys' Fees and Costs (Doc. #101) will be addressed in due course.

DONE AND ORDERED at Fort Myers, Florida, this 21st day of September, 2011.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties