

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

HECTOR CRUZ, and other similarly-situated individuals,

Plaintiff,

v.

Case No: 2:13-cv-689-FtM-38DNF

TSI DISASTER RECOVERY, LLC,
HENRY ELMORE, ROCK SOLID
ENVIRONMENTAL, LLC and BRAD
WILDE,

Defendants.

ORDER¹

This matter is before the Court on consideration of United States Magistrate Judge Douglas N. Frazier's Report and Recommendation ([Doc. #69](#)) filed on March 20, 2015. Judge Frazier recommends granting the parties' Joint Motion for Judicial Approval of the Parties' Settlement Agreement, and for Dismissal With Prejudice ([Doc. #66](#))² and Joint Memorandum Regarding Settlement ([Doc. #68](#)). ([Doc. #69](#)).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's

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² Plaintiff has not properly served Defendant Rock Solid Environmental, LLC. ([Doc. #51](#); [Doc. #55](#)). Nevertheless, the parties' Joint Motion for Judicial Approval of the Parties' Settlement Agreement seeks to dismiss this case as against all defendants, including Rock Solid Environmental, LLC. ([Doc. #66 at 1 n.1](#)).

report and recommendation. See 28 U.S.C. § 636(b)(1); see also [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 Judge Frazier's findings and recommendations, the Court accepts the Report and Recommendation ([Doc. #69](#)).

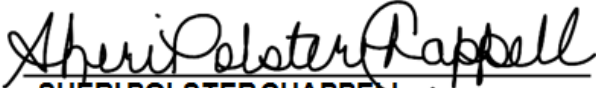
Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. #69](#)) is **ADOPTED** and the findings incorporated herein.
2. The parties' Joint Motion for Approval of the Parties' Settlement Agreement, and for Dismissal With Prejudice ([Doc. #66](#)) is **GRANTED**, and the General Release and Settlement Agreement ([Doc. #66-1](#)) is approved as a fair and reasonable resolution of this case.
3. Defendant Rock Solid Environmental, LLC is **DISMISSED**.

4. The Court retains jurisdiction over this case until **July 24, 2015**, to ensure all payments under the General Release and Settlement Agreement ([Doc. #66-1](#)) are finalized.
5. This case is **DISMISSED without prejudice** subject to the right of any party, within four (4) months from the date of this Order, **July 24, 2015**, to submit a stipulated form of final judgment or request an extension of time should they so choose, or for any party to move to reopen the case upon a showing of good cause. See [M.D. Local R. 3.08\(b\)](#). Once that four (4) month period expires, this dismissal shall be deemed **with prejudice** without further order.
6. The Clerk of the Court is **DIRECTED** to terminate any previously scheduled deadlines and pending motions, and **administratively close** the case pending further Order.

DONE and **ORDERED** in Fort Myers, Florida this 24th day of March, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record