

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TAMMY RIMONDI,

Plaintiff,

v.

Case No: 2:13-cv-703-FtM-38DNF

HARBORVIEW REALTY, INC.,
JAMES MCGREGOR and
MCGREGOR REAL ESTATE, INC.,

Defendants.

ORDER¹

This matter comes before the Court upon consideration of the Magistrate Judge's Amended Report and Recommendation ([Doc. #43](#)) filed on May 5, 2014, recommending that (1) the Parties' Joint Motion for Approval of Settlement Agreement be granted; (2) the Settlement Agreement ([Doc. #39-1](#)) be approved by the Court as a "fair and reasonable resolution of a bona fide dispute" of the FLSA issues; (3) if the Court adopt the report and recommendation that this case be dismissed subject to the right of any party to move the Court within 21 days thereafter for the purpose of entering a stipulated form of final order, joint motion for dismissal with prejudice, or judgment; or, on good cause shown, to reopen the case for further proceedings. The Parties have filed an Agreed Notice of Non-Objection to Findings of Fact to the Court's Amended Report and

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Recommendations to the United States District Court and Waiver of Objection Period. ([Doc. #44](#)). Thus, this matter is now ripe for review.

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 Amended Report and Recommendation ([Doc. #43](#)) is **ACCEPTED and ADOPTED** and the findings are incorporated herein.
2. The Joint Motion for Approval of Settlement Agreement ([Doc. #39](#)) is **GRANTED**. The Settlement Agreement ([Doc. #39-1](#)) is approved by the Court as a "fair and reasonable resolution of a bona fide dispute" of the FLSA issues.

3. This case is **DISMISSED without prejudice** subject to the right of any party to move the Court within 21 days, **May 29, 2014**, thereafter for the purpose of entering a stipulated form of final order, joint motion for dismissal with prejudice, or judgment; or, on good cause shown, to reopen the case for further proceedings. After the 21 day period, however, without further order, this dismissal shall be deemed *with prejudice*.
4. The Clerk 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 8th day of May, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record