

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LONNIE S. HORNE, and all others
similarly situated,

Plaintiff,

v.

Case No: 2:13-cv-858-FtM-38DNF

O'BRIEN AUTOMOTIVE OF
FLORIDA, LLC, O'BRIEN IMPORTS
OF FT. MYERS, INC., and O'BRIEN
AUTO TEAM, INC.,

Defendants.

ORDER¹

This matter comes before the Court upon consideration of United States Magistrate Judge Douglas N. Frazier's Report and Recommendation ([Doc. #26](#)) filed on July 29, 2014. Judge Frazier recommends granting the parties' Joint Motion for Approval of Settlement and Motion to Dismiss With Prejudice ([Doc. #21](#)) and approving the Settlement Agreement and Release ([Doc. #25](#)) as a "fair and reasonable resolution of a bone fide dispute" of the claims raised pursuant to the Fair Labor Standards Act. ([Doc.](#)

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the Court has no agreements with any of these third parties or their Web sites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

[#26 at 3](#)). The parties have not objected to the Report and Recommendation ([Doc. #26](#)), and the time to do so has now expired. Thus, this matter is 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. 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. #26](#)).

Accordingly, it is now

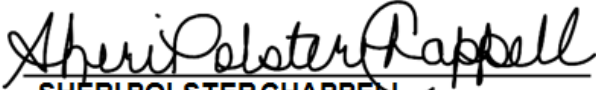
ORDERED:

1. The Report and Recommendation ([Doc. #26](#)) is hereby adopted and the findings incorporated herein.

2. The parties' Joint Motion for Approval of Settlement and Motion to Dismiss With Prejudice ([Doc. #21](#)) is **GRANTED**, and the parties' Settlement Agreement and Release ([Doc. #25](#)) is approved as fair and reasonable.

3. The Clerk of Court shall enter judgment dismissing the case with prejudice, terminate all deadlines and motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 13th day of August, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record