

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

KRIS BATES, ROSIE BATES, and  
ERICA CIRILLO,

Plaintiffs,

v.

Case No: 2:14-cv-421-FtM-29CM

FIRSTSERVICE RESIDENTIAL  
FLORIDA, INC.,

Defendant.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #27), filed February 26, 2015, recommending that the parties' Renewed Joint Motion for Approval of FLSA Settlement and for Dismissal of Counts I and II With Prejudice (Doc. #26) be granted, the settlements approved, Counts I and II be dismissed, and Count III be remanded. No objections have been filed and the time to do so has expired.

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 to approve the settlements. The Court will decline to maintain supplemental jurisdiction over the remaining count pursuant to 28 U.S.C. § 1367(c)(3), and Count III will be remanded.

Accordingly, it is now


**ORDERED:**

1. The Report and Recommendation (Doc. #27) is hereby **adopted** and the findings **incorporated** herein.

2. Plaintiffs Kris Bates and Rosie Bates and defendant's Renewed Joint Motion for Approval of FLSA Settlement and for Dismissal of Counts I and II With Prejudice (Doc. #26) is **granted** and the Settlement Agreements (Docs. ## 26-1, 26-2) are approved as a fair and reasonable resolution of bona fide disputes with Kris Bates and Rosie Bates.

3. The Clerk shall enter judgment **dismissing** Counts I and II with prejudice, and remanding Count III to the Collier County Circuit Court pursuant to 28 U.S.C. § 1367(c)(3). The Clerk is further directed to terminate all deadlines and motions, and to close the file.

**DONE and ORDERED** at Fort Myers, Florida, this 18th day of March, 2015.

  
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JOHN E. STEELE  
UNITED STATES DISTRICT JUDGE

Copies:  
Hon. Carol Mirando  
United States Magistrate Judge  
  
Counsel of Record  
Unrepresented parties