

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LORRAINE DIPALERMO and PATRICK
CLYMER, an individual

Plaintiffs,

v.

Case No: 2:14-cv-538-FtM-38MRM

ANCHOR INN OF SANIBEL, LLC,
TROPICAL WINDS, INC.,
ANCHORAGE COMPANY, L.L.C.
and LOWELL T. SPILLANE,

Defendants.

ORDER¹

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. #36](#)) filed on November 9, 2015. Judge McCoy recommends granting the parties' Amended Joint Motion for Approval of Settlement ([Doc. #35](#)) and approving the Mediated Settlement Agreement ([Doc. #35-1](#)) as a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act, [29 U.S.C. § 201 et seq.](#) ([Doc. #36](#)). As the parties do not object to the Report and Recommendation, 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

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report and recommendation. See 28 U.S.C. § 636(b)(1); see also *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). 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 court 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).

After examining the file and upon considering Judge McCoy's findings and recommendations, the Court accepts the Report and Recommendation (Doc. #36).

Accordingly, it is now **ORDERED**:

1. The Report and Recommendation (Doc. #36) is **ACCEPTED AND ADOPTED** and the findings incorporated herein.
2. The parties' Amended Joint Motion for Approval of Settlement (Doc. #35) is **GRANTED** and the Mediated Settlement Agreement (Doc. #35-1) is approved as a fair and reasonable resolution of a bona fide dispute of the FLSA issues.
3. The parties' Joint Motion for Approval of Settlement Agreement (Doc. #33) is **DENIED as moot**.
4. The Clerk of Court is **DIRECTED** to enter judgment accordingly, dismiss the case with prejudice, terminate all deadlines and motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 30th day of November, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record