

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAYE POPOLI, on her own
behalf and all similarly
situated individuals,

Plaintiff,

v.

Case No: 2:15-cv-311-FtM-29CM

FT. MYERS LODGE #1899 LOYAL
ORDER OF MOOSE, INC., a
Florida non profit
corporation,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #43), filed March 2, 2016, recommending that the parties' Amended Joint Motion for Dismissal With Prejudice and Settlement Approval (Doc. #42) be granted, the Settlement Agreement (Doc. #39-1) be approved, and the case dismissed. On the same day, the parties filed a Joint Notice of Non-Opposition to Report and Recommendation (Doc. #44) expressing no objections.

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 finding that the \$43,000.00 in attorney's fees was separately negotiated, the Court agrees that the settlement may be approved as reasonable on its face, and without separately considering the reasonableness of the fee paid to plaintiff's counsel. Bonetti v. Embarq Mgmt. Co., 715 F. Supp. 2d 1222, 1228 (M.D. Fla. 2009). The Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is now

ORDERED:

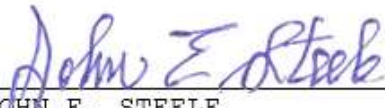
1. The Report and Recommendation (Doc. #43) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Amended Joint Motion for Dismissal With Prejudice and Settlement Approval (Doc. #42) is **granted** and the

Settlement Agreement and Release (Doc. #39-1) is approved as a fair and reasonable resolution of a bona fide dispute.

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

DONE and ORDERED at Fort Myers, Florida, this 7th day of March, 2016.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Carol Mirando
United States Magistrate Judge

Counsel of Record
Unrepresented parties