

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GABRIELA ROSALES, on behalf of  
herself and others similarly situated

Plaintiff,

v.

Case No: 2:15-cv-711-FtM-38CM

EL MICHOACANA LLC,

Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on review of United States Magistrate Judge Carol Mirando's Report and Recommendation ([Doc. #26](#)) filed on October 20, 2016. Judge Mirando recommends that Plaintiff's Motion for Conditional Certification of an FLSA Collective Action ([Doc. #16](#)) be granted in part and denied in part. No objections were filed, and the time to do so has now expired.

A district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). If no specific objections to findings of fact are filed, the district judge is not required to conduct a *de novo* review of those findings. See [Garvey v. Vaughn](#), [993 F.2d 776, 779 n.9 \(11th Cir. 1993\)](#). However, the district judge must review legal conclusions *de novo*, even in the

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absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994)

After careful consideration and an independent review of the file, the Court accepts, adopts, and approves the Report and Recommendation.


Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation ([Doc. #26](#)) is **ACCEPTED and ADOPTED**, and its findings are incorporated herein.
1. Plaintiff's Unopposed Motion to Conditionally Certify Class and Facilitate Notice to Potential Class ([Doc. #16](#)) is **GRANTED in part**.
2. Within fourteen (14) days of the date of this Order, Plaintiff and Defendants shall confer, draft, and file an agreed-upon Proposed Notice that is consistent with the guidance in the Report and Recommendation ([Doc. #26](#)).
3. If the Court approves the Proposed Notice, the Plaintiff shall, within thirty (30) days, send the approved Notice to all potential collective action members by first class mail.
4. All opt-in collective action members must return the consent form to Plaintiff's counsel with a postmark date no later than sixty (60) days after the Notice is mailed.
5. Plaintiff's counsel shall furnish a copy of all consents received to defense counsel and maintain all originals.

6. Plaintiff's counsel shall file a document identifying each opt-in collective action member and his or her address within ten (10) days of the expiration of the sixty (60) day opt-in deadline.

**DONE** and **ORDERED** in Fort Myers, Florida this 2nd day of December, 2016.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record