

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

RUSTY PATTON, on behalf of himself  
and others similarly situated

Plaintiff,

v.

Case No: 2:16-cv-107-FtM-38MRM

LARUE PEST MANAGEMENT, INC.  
and KEITH RUEBELING,

Defendants.

\_\_\_\_\_ /

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

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. #38](#)) filed on October 12, 2016. Judge McCoy recommends granting the parties' Joint Motion for Approval of Settlement and Dismissal of Action With Prejudice ([Doc. #35](#)) and approving their Settlement Agreement and Release of FLSA Claims as a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act ("FLSA"), [29 U.S.C. § 201 et seq.](#) Because the parties do not object to the Report and Recommendation ([Doc. #39](#)), 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*,

---

<sup>1</sup> Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. 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 websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. 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.

681 F.2d 732, 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 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).

After examining the file carefully and independently, and upon considering Judge McCoy's findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now **ORDERED**:

(1) The Report and Recommendation (Doc. #38) is **ACCEPTED AND ADOPTED** and the findings incorporated herein.

(2) The parties' Joint Motion for Approval of Settlement and Dismissal of Action with Prejudice (Doc. #35) is **GRANTED**, and their Settlement Agreement and Release of FLSA Claims is approved as a fair and reasonable resolution of this FLSA dispute.

(3) Upon receipt of the settlement proceeds, Plaintiff's counsel must reimburse the Court for the \$400.00 filing fee.

(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 23rd day of October, 2016.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record