

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROCCO COLACITTI, GABRIELE
MARONGIU, MORENO SCHEMBARI
and COSIMO PICCI,

Plaintiffs,

v.

Case No: 2:16-cv-232-FtM-99CM

ALBERTO'S RESTAURANT, LLC
and ALBERTO VARETTA,

Defendants.

ORDER¹

This matter comes before the Court on consideration of United States Magistrate Judge Carol Mirando's Report and Recommendation ([Doc. #20](#)) filed on September 2, 2016. Judge Mirando recommends granting the parties' Joint Motion to Approve FLSA Settlement and Dismiss Case With Prejudice ([Doc. #19](#)), and approving the parties' Settlement Agreements ([Doc. #19-1](#)) ([Doc. #19-2](#)) ([Doc. #19-3](#)) ([Doc. #19-4](#)) as fair and reasonable resolutions of a bona fide disputes under the Fair Labor Standards Act ("FLSA"), except that the confidentiality agreements contained in each Settlement Agreement must be stricken. ([Doc. #20](#)). The parties filed a Joint Response ([Doc. #21](#)) on September 7, 2016, indicating that they had no objections to Judge Mirando's Report and Recommendation. As such, this matter is ripe for review.

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Upon a careful and thorough review of the findings, 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); see also *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, the district judge is not required to conduct a *de novo* review of the factual findings, *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). However, the district judge reviews legal conclusions *de novo*, even in the absence of an objection. *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration of Judge Mirando’s Report and Recommendation and after conducting an independent review of the record, this Court adopts, accepts, and approves the Report and Recommendation (Doc. #20).

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #20) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. The parties’ Joint Motion to Approve FLSA Settlement and Dismiss Case with Prejudice (Doc. #19) is **GRANTED**, and the Settlement Agreements (Doc. #19-1) (Doc. #19-2) (Doc. #19-3) (Doc. #19-4) are **APPROVED** as fair and reasonable, except that the confidentiality provisions in each agreement be **STRICKEN**.

3. The Clerk of Court is **DIRECTED** to enter judgment accordingly, dismiss the remainder of the case with prejudice, terminate all deadlines and motions, and to close the file.

DONE and **ORDERED** in Fort Myers, Florida this 13th day of September, 2016.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record