

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MELISSA VAN DYKE, an individual

Plaintiff,

v.

Case No: 2:16-cv-401-FtM-38CM

CAFE LUNA OF NAPLES, INC.,
CAFE LUNA EAST, LLC, SHANNON
RADOSTI and EDWARD
BARSAMIAN,

Defendants.

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 61](#)). Judge Mirando recommends granting the Joint Motion for Settlement for Approval ([Doc. 60](#)) and approving the Settlement Agreement and Release ([Doc. 60-1](#)) as a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act. Because the parties do not object to the Report and Recommendation ([Doc. 62](#)), this matter is ripe for review.

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\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


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

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation (Doc. 61) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) The Joint Motion for Settlement for Approval (Doc. 60) is **GRANTED** and the Settlement Agreement and Release (Doc. 60-1) is **APPROVED** as a fair and reasonable resolution of the *bona fide* FLSA dispute. This action is **DISMISSED with prejudice**.
- (3) The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending deadlines and motions, and close the file.

DONE and ORDERED in Fort Myers, Florida this 31st day of October 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record