

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CHAD GREGORIUS, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

Case No: 2:16-cv-593-FtM-99MRM

NPC INTERNATIONAL, INC., a  
Foreign profit corporation,

Defendant.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #28), filed July 14, 2017, recommending that that the stay be lifted and the case reopened, and the parties' Joint Motion to Approve Settlement (Doc. #27) be denied without prejudice. No objections have been filed, and the parties filed a Second Joint Motion for Approval of FLSA Settlement (Doc. #29) on July 27, 2017.

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).

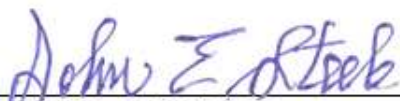
After conducting an independent examination of the file, and noting that the parties have complied with the options presented by the Magistrate Judge to file an amended joint motion, or to file a notice indicating the status of the compelled arbitration, the Court adopts the recommendation.

Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation (Doc. #28) is hereby **adopted** and the findings **incorporated** herein.
2. The stay is **lifted** and the Clerk shall reopen the case.
3. The parties' Joint Motion to Approve Settlement (Doc. #27) is **denied** without prejudice.

**DONE and ORDERED** at Fort Myers, Florida, this 31st day of July, 2017.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Hon. Mac R. McCoy  
United States Magistrate Judge

Counsel of Record