

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-29MRM

NPC INTERNATIONAL, INC., a
foreign profit corporation,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #32), filed July 31, 2017, recommending that the parties' Second Joint Motion for Approval of FLSA Settlement (Doc. #29) be granted, the settlement be approved, plaintiff be required to reimburse costs of the action, and the case be dismissed. On August 1, 2017, the parties filed a Joint Motion to Waive Exception Period (Doc. #33) waiving the 14-day period to file objections. This motion will be granted.

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). 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).

On August 2, 2016, the Magistrate Judge permitted plaintiff to proceed without prepayment of the filing fee, or costs of service of process. (Doc. #6.) Therein, the Magistrate Judge indicated that plaintiff could be required to reimburse the Court pursuant to Local Rule 4.07(b).¹ The recommendation includes a provision for reimbursement, and plaintiff did not object. After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge in its entirety.

Accordingly, it is now

¹ "All persons applying to proceed *in forma pauperis* shall be deemed to have consented to the entry of an order by the Court directing payment of all non-prepaid fees and costs out of any recovery, including a reasonable attorney's fee if counsel has been appointed by the Court to represent such person." M.D. Fla. R. 4.07(b).

ORDERED:

1. The parties' Joint Motion to Waive Exception Period (Doc. #33) is **granted**.

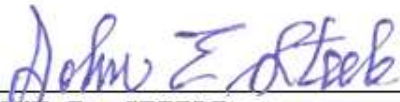
2. The Report and Recommendation (Doc. #32) is hereby **adopted** and the findings **incorporated** herein.

3. The parties' Second Joint Motion for Approval of FLSA Settlement (Doc. #29) is **granted** and the FLSA Settlement Agreement and Limited Release (Doc. #29-1) is **approved** as a fair and reasonable resolution of a bona fide dispute.

4. Plaintiff shall reimburse the Court for costs of this action, including the filing fee and the costs of the U.S. Marshal for service of process (see Process Receipt and Return, Doc. #17) within **THIRTY (30) DAYS** of this Opinion and Order.

5. The Clerk shall enter judgment **dismissing** the case with prejudice, terminate all deadlines and motions, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 2nd day of August, 2017.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record
Unrepresented parties