

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BEVERLY ADKINS,

Plaintiff,

v.

Case No: 2:16-cv-617-FtM-38MRM

JIMMY JOHN'S OF ESTERO, INC.,

Defendant.

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation filed on March 15, 2017. ([Doc. 32](#)). Judge McCoy recommends denying the parties' Joint Motion to Approve Settlement Agreement and to Dismiss with Prejudice ([Doc. 31](#)) because the inclusion of a Mutual General Release in the proposed Settlement Agreement ([Doc. 31-1](#)) precludes a finding of fairness and reasonableness of this wage and hour dispute. ([Doc. 32](#)). Because neither party objects to the Report and Recommendation, 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

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proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidenced or recommit the matter to the magistrate judge with instructions.” *Id.*

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. 32](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. The Joint Motion to Approve Settlement Agreement and to Dismiss with Prejudice ([Doc. 31](#)) is **DENIED without prejudice.**
3. The parties are **DIRECTED** to elect one of the following options no later than

April 28, 2017:

- a. File an amended joint motion to approve a settlement agreement that adequately addresses the issues identified in the Report and Recommendation; or
- b. File a Case Management Report so this case may proceed.

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


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record