

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.

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**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 35](#)). Judge McCoy recommends granting the parties' Joint Amended Motion to Approve Settlement Agreement ([Doc. 34](#)) and approving the Settlement Agreement ([Doc. 34-1](#)) as a "fair and reasonable resolution of a *bona fide* dispute" of the Fair Labor Standards Act claims. Neither party objects to the Report and Recommendation. ([Doc. 36](#)).

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 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. 35](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. The Joint Amended Motion to Approve Settlement Agreement and to Dismiss with Prejudice ([Doc. 34](#)) is **GRANTED**. 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 18th day of April, 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record