

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GABRIELE GOERN,

Plaintiff,

v.

Case No: 2:16-cv-755-FtM-99MRM

EVERGLADES DAY SAFARI, INC.,

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. #29), filed June 21, 2017, recommending that that the parties' Joint Motion for Approval of Settlement (Doc. #28) be denied without prejudice. No objections have been filed and the time to do so has expired.

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).

The Settlement Agreement and General Release (Doc. #26) was not recommended for approval based on the presence of a waiver and general release without evidence of any additional consideration, and the failure of the parties to include or discuss liquidated damages. The magistrate judge also noted a request to retain jurisdiction, which the undersigned also does not generally grant absent an independent basis for jurisdiction. 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.

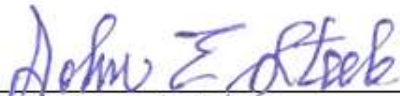
Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation (Doc. #29) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion for Approval of Settlement (Doc. #28) is **denied** without prejudice to the parties exercising one of the two options provided, **on or before July 31, 2017**.

**DONE and ORDERED** at Fort Myers, Florida, this 12th 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  
Unrepresented parties