

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAVID HILL, individually, and on behalf
of all others similarly situated

Plaintiff,

v.

Case No: 2:17-cv-53-FtM-38MRM

AERO-MARINE TECHNOLOGIES,
INC.,

Defendant.

_____ /

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 21](#)). Judge McCoy recommends denying Defendant Aero-Marine Technologies Inc.'s Amended Motion to Enforce Mediation Agreement. ([Doc. 16](#)). The recommendation comes because neither the Amended Motion nor the Mediation Agreement ([Doc. 16-1](#)) provide sufficient information on whether the proposed settlement satisfies the requirements under *Lynn's Food Store, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982). Neither party objects to the Report and Recommendation, and the time to do so has expired.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

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 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. 21) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. Defendant Aero-Marine Technologies Inc.’s Amended Motion to Enforce Mediation Agreement (Doc. 16) is **DENIED** without prejudice.
3. The parties are **DIRECTED** to elect one of the following options on or before **August 18, 2017**:
 - a. File a joint motion to approve a settlement agreement that comports with *Lynn’s Food*; or
 - b. File a Case Management Report so this case may proceed.

DONE and **ORDERED** in Fort Myers, Florida this 120th day of July 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record