

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROSE MALBRANCHE,

Plaintiff,

v.

Case No: 2:17-cv-74-FtM-38CM

REDI CARE NURSING SERVICES,
LLC,

Defendant.

_____ /

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 32](#)). Judge Mirando recommends granting in part the parties' Joint Motion for Approval of Settlement and Dismissal with Prejudice ([Doc. 30](#)) and approving their Settlement Agreement ([Doc. 30-1](#)) as a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act. The parties have not objected to the Report and Recommendation, and the time to do so has expired.

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

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.

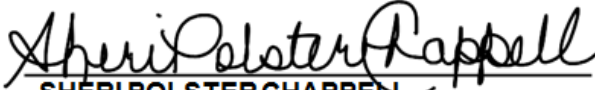
judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file carefully and independently, and upon considering Judge Mirando’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 for Approval of Settlement and Dismissal with Prejudice ([Doc. 30](#)) is **GRANTED in part and DENIED in part**. The Court grants the motion to the extent it approves the Settlement Agreement ([Doc. 30-1](#)) as a fair and reasonable resolution of a bona fide dispute under the FLSA. But it denies the motion to the extent it will not retain jurisdiction to enforce the Settlement Agreement.
- (3) This action is **DISMISSED with prejudice**.
- (4) 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 15th day of August 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record