

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DIANE D'AMATO, an
individual,

Plaintiff,

v.

Case No: 2:18-cv-430-FtM-29NPM

PALM RIVER MHP, LLC, a
Florida corporation and
RAYMOND PERRINE, an
individual,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #28), filed September 17, 2019, recommending that the Joint Motion to Approve FLSA Settlement and for Dismissal With Prejudice (Doc. #27) be granted, the Settlement Agreement (Doc. #27-1) be approved, and that defendants be dismissed with 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 includes a provision for plaintiff's attorney fees. The parties indicated that the fees were negotiated separately from the settlement terms. 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

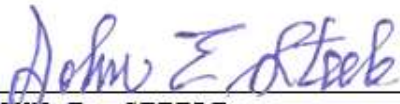
ORDERED:

1. The Report and Recommendation (Doc. #28) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion to Approve FLSA Settlement and for Dismissal With Prejudice (Doc. #27) is **granted** and the Settlement Agreement (Doc. #27-1) is approved as a fair and reasonable resolution of a bona fide dispute.

3. The Clerk shall enter judgment **dismissing** the case with prejudice, terminate all deadlines and motions, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 8th day of October, 2019.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Nicholas P. Mizell
United States Magistrate Judge

Counsel of Record
Unrepresented parties