

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JAVIER A. MOLINA, and other  
similarly situated  
individuals and JUAN F.  
FLORES, and other similarly  
situated individuals,

Plaintiffs,

v.

Case No: 2:19-cv-171-FtM-99UAM

LEOPARDI'S ITALIAN  
RESTAURANT, INC. and ANTHONY  
J. LEOPARDI, individually,

Defendants.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #11), filed May 22, 2019, recommending that the Joint Motion for Entry of Order Approving Settlement and Dismissing Case With Prejudice (Doc. #10) be granted in part and denied in part such that the settlement be approved but the request to retain jurisdiction be denied. It is further recommended that the case be dismissed. 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).

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, including the recommendation that the Court not retain jurisdiction over enforcement of the settlement agreement.

Accordingly, it is now

**ORDERED:**

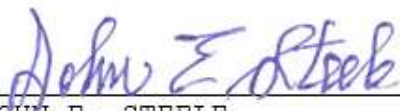
1. The Report and Recommendation (Doc. #11) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion for Entry of Order Approving Settlement and Dismissing Case With Prejudice (Doc. #10) is **granted in part and denied in part**. The Settlement Agreement and Release of FLSA Claims (Doc. #10-1) is approved as a fair and reasonable

resolution of a bona fide dispute, except that the Court declines to retain jurisdiction over its enforcement.

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 11th day of June, 2019.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Hon. Douglas N. Frazier  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties