UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THERESA DUFFEY, individually, and on behalf of all others similarly situated,

Plaintiff,

v. Case No: 2:20-cv-501-JES-MRM

SURFSIDE COFFEE COMPANY, LLC, a foreign limited liability company and CHRISTOPHER MELLGREN, individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #35), filed July 6, 2021, recommending that the parties' Joint Motion for Judicial Approval of the Parties' Settlement Agreement, and for Dismissal With Prejudice (Doc. #34) 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).

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. #35) is hereby adopted and the findings incorporated herein.
- 2. The parties' Joint Motion for Judicial Approval of the Parties' Settlement Agreement, and for Dismissal With Prejudice (Doc. #34) is **DENIED** without prejudice to electing one of the following options on or before August 30, 2021:
 - A. File an amended joint motion to approve a settlement agreement that adequately addresses the issues identified in the Report and Recommendation and file a fully executed settlement agreement that is binding on relevant parties if approved by the Court; or

B. File a notice of their intent to litigate this action so that this case may be reset for a Preliminary Pretrial Conference.

DONE and ORDERED at Fort Myers, Florida, this 23rd day of July 2021.

JOHN E. STEELE

SENIOR UNITED STATES DISTRICT JUDGE

Copies:

Hon. Mac R. McCoy United States Magistrate Judge

Counsel of Record Unrepresented parties