

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

THOMAS FELTON,

Plaintiff,

v.

Case No. 3:10-cv-947-J-34TEM

BLADE BUSTER, LLC and
REGINALD RICHARDSON,

Defendants.

ORDER

THIS CAUSE is before the Court on Magistrate Judge Thomas E. Morris' Report and Recommendation (Dkt. No. 22; Report), entered on June 17, 2011, recommending that the Settlement Agreement be found to be a fair and reasonable resolution of this dispute, that the Joint Motion for Approval of Settlement (Dkt. No. 19; Joint Motion) be granted, and that this case be dismissed with prejudice. See Report at 5. Neither party has filed an objection to the Report, and the time for doing so has now passed.

The Court "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). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United

States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

The Court has conducted an independent examination of the record in this case and a de novo review of the legal conclusions. Plaintiff filed suit against Defendants pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (FLSA), seeking recovery of unpaid overtime. See Complaint and Demand for Jury Trial (Dkt. No. 1). Thereafter, the parties engaged in settlement negotiations, which resulted in a resolution of the issues and claims raised in this case. See Joint Motion (Dkt. No. 19). Upon review of the record, including the Report, Joint Motion, and Settlement Agreement, the undersigned concludes that the settlement represents a “reasonable and fair” resolution of Plaintiff’s FLSA claim.¹ Accordingly, the Court will accept and adopt the recommended resolution set forth in Judge Morris’ Report.


In light of the foregoing, it is hereby **ORDERED**:

1. The recommended resolution set forth in Magistrate Judge Thomas E. Morris’ Report and Recommendation (Dkt. No. 22) is **ADOPTED**.
2. The Joint Motion for Approval of Settlement (Dkt. No. 19) is **GRANTED**.
3. For purposes of satisfying the FLSA, the Settlement Agreement is **APPROVED**.
4. This case is **DISMISSED WITH PREJUDICE**.

¹ The Court finds, under the circumstances of this case, that the settlement is fair and reasonable. In so doing, the Court declines to adopt the framework set forth in Bonetti v. Embarq Mgmt. Co., 715 F.Supp.2d1222 (M.D. Fla. 2009) to the extent it suggests that this Court “will” approve a particular settlement without separately considering the reasonableness of the attorney’s fees.

5. The Clerk of the Court is directed to terminate any pending motions or deadlines as moot and close this file.

DONE AND ORDERED in Jacksonville, Florida, this 14th day of July, 2011.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record