

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

DAISY MARCELLETTI, MARJORIE
GUERRERO, and all others similarly
situated,

Plaintiffs,

v.

Case No. 3:11-cv-244-J-34JBT

STELLAR GROUP, INC., et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on Magistrate Judge Joel B. Toomey's Report and Recommendation (Dkt. No. 12; Report), entered on July 25, 2011, recommending that the Joint Motion for Approval of Settlement and Incorporated Memorandum of Law (Dkt. No. 8; Joint Motion) be granted, that the Court approve the parties' settlement, and that this case be dismissed with prejudice. See Report at 9. 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. Plaintiffs 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. 8). Upon review of the record, including the Report, Joint Motion, and Settlement Agreement and Release, the undersigned concludes that the settlement represents a “reasonable and fair” resolution of Plaintiffs’ FLSA claims. Accordingly, the Court will accept and adopt Judge Toomey’s Report.

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

1. Magistrate Judge Joel B. Toomey’s Report and Recommendation (Dkt. No. 12) is **ADOPTED** as the opinion of the Court.

2. The Joint Motion for Approval of Settlement and Incorporated Memorandum of Law (Dkt. No. 8) is **GRANTED**, and the parties are ordered to comply with the obligations set forth therein.

3. For purposes of satisfying the FLSA, the Settlement Agreement and Release is **APPROVED**.

4. This case is **DISMISSED WITH PREJUDICE** with each party to pay its own fees and costs, except as provided in the Joint Motion.

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 5th day of October, 2011.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record