

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

LEROY SMITH, DENNIS NASH and  
ALFONSO GRANT, individually  
and on behalf of all other  
similarly situated,

Plaintiffs,

v.

Case No. 3:12-Cv-449-J-15TEM

BULLS-HIT RANCH AND FARM,  
THOMAS R. LEE, and  
RONALD UZZLE,

Defendants.

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O R D E R

This cause comes on for consideration upon the Magistrate's Report and Recommendation (D-35), as amended (D-50), recommending that the parties' Joint Motion for Approval of Settlement and Incorporated Memorandum of Law (D-18), be granted and the Agreement of Settlement and Release (D-18-1) approved. All parties previously have been furnished copies of the Report and Recommendation and been afforded an opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1), Rule 72(b) Fed.R.Civ.P., and Local Rule 6.02(a), United States District Court for the Middle District of Florida. None of the parties have filed any objections to the Report and Recommendation.

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. Upon review of the record, including the Report and Recommendation, as revised by the Magistrate Judge's order dated March 21, 2013 (D-50), Joint Motion, and Settlement Agreement, the Undersigned concludes that the settlement represents a "reasonable and fair" resolution of Plaintiffs' FLSA claims. Accordingly, the Court will accept and adopt Judge Morris' Report, as amended.

Accordingly, it is ORDERED:

1) The Magistrate's Report and Recommendation (D-35), as amended (D-50), is adopted and incorporated by reference in this Order of the Court.

2) The parties' Joint Motion for Approval of Settlement (D-18) is GRANTED.


3) For purposes of satisfying the FLSA, the Agreement of Settlement and Release (D-18-1) is APPROVED.

4) This case is DISMISSED without prejudice as to all claims, individual and potential class-action, between Plaintiffs Smith, Nash and Grant, and Defendants Lee and Bulls-Hit, subject to

the right of the parties to submit a stipulated form of final order or judgment, or request an extension of time should they so chose, or for any party to move to reopen upon good cause being shown, within sixty (60) days of the date of this order. After the sixty (60) day period, and without further order, the dismissal will be deemed with prejudice.

5) Counsel for Plaintiffs are prohibited from withholding any portion of the settlement amounts payable to Plaintiffs Smith, Nash, and Grant under the settlement agreement pursuant to a contingent fee agreement or otherwise.

DONE AND ORDERED at Tampa, Florida this 14<sup>th</sup> day of ~~May~~ June, 2013.

  
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WILLIAM J. CASTAGNA  
SENIOR UNITED STATES DISTRICT JUDGE