

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

PAUL GERTZ,

Plaintiff,

-vs-

Case No. 3:13-cv-1084-J-34JBT

COASTAL RECONSTRUCTION, INC.,
a Florida Corporation,

Defendant.

ORDER

THIS CAUSE is before the Court on Magistrate Judge Joel B. Toomey's Report and Recommendation (Dkt. No. 22; Report), entered on September 10, 2014, recommending that the Joint Renewed Motion for Court Approval of Settlement Agreement and Dismissal With Prejudice (Dkt. No. 21; Motion) be granted, that the Court approve the parties' settlement, and that this case be dismissed with prejudice. See Report at 8. On September 16, 2014, the parties filed a notice advising the Court that they accept the Report and will not file objections. See Amended Joint Certificate of Non-Objection to Report and Recommendation of Magistrate Judge (Dkt. No. 24).

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 Defendant pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (FLSA), seeking recovery of unpaid overtime. See Complaint (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 Motion (Dkt. No. 21). Upon review of the record, including the Report, Motion, and Settlement Agreement, the undersigned concludes that the settlement represents a “reasonable and fair” resolution of Plaintiff’s 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. 22) is **ADOPTED** as the opinion of the Court.


2. The Joint Renewed Motion for Court Approval of Settlement Agreement and Dismissal With Prejudice (Dkt. No. 21) is **GRANTED**.

3. For purposes of satisfying the FLSA, the Settlement Agreement (Dkt. No. 21-1) is **APPROVED**.

4. This case is **DISMISSED WITH PREJUDICE**.

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 17th day of September, 2014.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record