

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

GEORGE FERNANDEZ,

Plaintiff,

v.

Case No. 5:16-cv-326-Oc-34PRL

CITY OF FRUITLAND PARK,

Defendant.

ORDER

THIS CAUSE is before the Court on Magistrate Judge Lammens' Report and Recommendation (Dkt. No. 34; Report), entered on May 17, 2017, recommending that: 1.) Paragraph 8 of the Settlement Agreement be stricken to the extent Plaintiff waives future employment; 2.) the Court decline to retain jurisdiction; 3.) the Joint Motion for Approval of Settlement (Dkt. No. 33; Motion) be granted; and 4.) the settlement agreement, as modified, be approved. See Report at 5-6. Neither party has filed objections to the Report, and the time for doing so has 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 Defendant pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (FLSA), seeking recovery of unpaid overtime. See Plaintiff's First Amended Complaint (Dkt. No. 16). 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. 33). Upon review of the record, including the Report, Motion, and Settlement Agreement, the undersigned concludes that the settlement, as modified below, represents a "reasonable and fair" resolution of Plaintiff's FLSA claims. Accordingly, the Court will accept and adopt Judge Lammens' Report.

In light of the foregoing, it is hereby

ORDERED:

1. Magistrate Judge Philip R. Lammens' Report and Recommendation (Dkt. No. 34) is **ADOPTED** as the opinion of the Court.
2. Paragraph 8 of the Settlement Agreement (Dkt. No. 33, Ex. A) is **STRICKEN** to the extent Plaintiff waives future employment.
3. The Court declines to retain jurisdiction to enforce the terms of the Settlement Agreement.
4. The Joint Motion for Approval of Settlement (Dkt. No. 33) is **GRANTED**.
5. For purposes of satisfying the FLSA, the Settlement Agreement, as modified herein, is **APPROVED**.

6. This case is **DISMISSED WITH PREJUDICE**.
7. The Clerk of the Court is directed to terminate any pending motions or deadlines as moot and close this file.

DONE AND ORDERED in Chambers this 7th day of June, 2017.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record