

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

DERIK JACOBS,

Plaintiff,

-vs-

Case No. 6:08-cv-2071-Orl-22GJK

**DOLANLIL, INC.; DOLAN TORRES AND
LILLIAN TORRES,**

Defendants.

ORDER

This cause is before the Court on Defendants' Motion for Summary Judgment (Doc. No. 28) filed on January 22, 2010.

The United States Magistrate Judge has submitted a report recommending that the Motion be granted as to Count I, and dismissed without prejudice as to Count II.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed April 12, 2010 (Doc. No. 30) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Defendants' Motion for Summary Judgment (Doc. No. 28) is **GRANTED** as to Count I. The Clerk is directed to enter a Judgment providing that Plaintiff Derik Jacobs recover nothing on his claim under Count I for violation of the overtime provisions of the Fair

Labor Standards Act, and the Defendants Dolanlil, Inc., Dolan Torres, and Lillian Torres recover costs from Plaintiff.

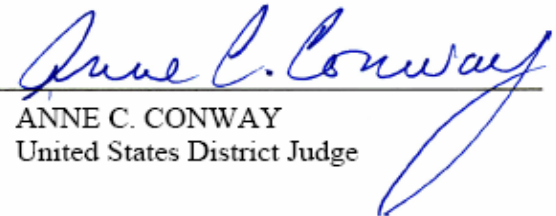
3. Count II for unpaid wages under Florida Statutes Chapter 448 is hereby DISMISSED, without prejudice.

4. The Clerk is directed to CLOSE the file.

DONE and **ORDERED** in Chambers, in Orlando, Florida on April 27, 2010.

Copies furnished to:

Counsel of Record


ANNE C. CONWAY
United States District Judge