

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

THOMAS E. PEREZ,
Secretary of Labor, United States
Department of Labor,

Plaintiff,

v.

Case No: 8:15-cv-574-T-27AAS

ELIASEN ENVIRONMENTAL, INC. and
MICHELLE ELIASEN,

Defendants.

ORDER

BEFORE THE COURT is the Report and Recommendation of the Magistrate Judge recommending that the Secretary's Motion for Default Judgment (Dkt. 19) be denied without prejudice (Dkt. 24). No objections have been filed and the time in which to do so has passed. Upon consideration, the Report and Recommendation is adopted as the opinion of the Court and the Secretary's Motion for Default Judgment is denied without prejudice.

A district court may accept, reject or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of specific objections, there is no requirement that factual findings be reviewed *de novo*, and the court may accept, reject or modify, in whole or in part, the findings and recommendations. § 636(b)(1)(C); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Legal conclusions are reviewed *de novo*, even in the absence of an objection. *See LeCroy v. McNeil*, 397 Fed. App'x. 554, 556 (11th Cir. 2010) (citing *United States v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982)); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Accordingly,

The Report and Recommendation (Dkt. 24) is **APPROVED** and **ADOPTED** as the opinion of the Court for all purposes, including for appellate review. The Secretary's Motion for Default Judgment (Dkt. 19) is **DENIED *without prejudice***. The Secretary may file a renewed motion for default judgment against Defendant EEI, if appropriate, at the conclusion of the case against Defendant Eliassen. Any such motion must contain sufficient information for the Court to determine whether Defendant EEI was properly served and more detailed information about how the Secretary calculated his damages request as to each Defendant.

DONE AND ORDERED this 8th day of August, 2016.


JAMES D. WHITTEMORE
United States District Judge

Copies to:
Counsel of Record