

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

NICHOLAS LAURA,

Plaintiff,

v.

Case No: 8:15-cv-2914-T-27AAS

J.D. PARKER & SONS CO., INC.,

Defendant.

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**ORDER**

**BEFORE THE COURT** is the Report and Recommendation of the Magistrate Judge recommending that Defendant's Motion to Compel Deposition of Opt-In Plaintiff, Tyrone Daniels, and for Sanctions for Missing His Duly-Scheduled Deposition, or in the Alternative, Motion for Sanctions in the Form of Striking Opt-In Plaintiff's Pleadings for Failure to Appear at His Coordinated and Duly Noticed Deposition (Dkt. 27) be granted to the extent that Opt-In Plaintiff Daniels be dismissed from the case (Dkt. 33). 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 Defendant's Motion is GRANTED to the extent that Opt-In Plaintiff Daniels is dismissed from the case.<sup>1</sup>

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.

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<sup>1</sup> In their response, Plaintiffs requested that the Daniels be dismissed from the case. (Dkt. 31).

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.33) is **APPROVED** and **ADOPTED** as the opinion of the Court for all purposes, including for appellate review. Defendant's Motion to Compel Deposition of Opt-In Plaintiff, Tyrone Daniels, and for Sanctions for Missing His Duly-Scheduled Deposition, or in the Alternative, Motion for Sanctions in the Form of Striking Opt-In Plaintiff's Pleadings for Failure to Appear at His Coordinated and Duly Noticed Deposition (Dkt. 27) is **GRANTED** to the extent that Opt-In Plaintiff Daniels is dismissed from the case

**DONE AND ORDERED** this 8<sup>th</sup> day of November, 2016.

  
**JAMES D. WHITTEMORE**  
**United States District Judge**

Copies to:  
Counsel of Record