

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-20274-CIV-SEITZ/O'SULLIVAN

MIGUEL PENATE CHINEA, *et al.*,

Plaintiffs,

v.

THE UNITED DRYWALL GROUP, *et al.*,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND CLOSING CASE**

THIS MATTER came before the Court on the Magistrate Judge's Report and Recommendation [DE-74], in which Magistrate Judge O'Sullivan recommends granting in part and denying in part Plaintiffs' Motion to Enforce Settlement Agreement and for Future Fees [DE-66]. Plaintiffs filed their motion after the parties had negotiated a settlement of this Fair Labor Standards Act matter and Defendants failed to execute the proposed consent judgment. The Magistrate Judge recommends entering judgment against Defendants, jointly and severally, in the amount of \$300,000 and denying the request for future fees as premature. Neither party has filed any objections to the Report and Recommendation. Having carefully reviewed, *de novo*, Magistrate Judge O'Sullivan's Report and Recommendation and the record, it is hereby

ORDERED that:

- (1) The above-mentioned Report and Recommendation [DE-74] is AFFIRMED and ADOPTED, and incorporated by reference into this Court's Order;
- (2) Plaintiffs' Motion to Enforce Settlement Agreement and for Future Fees [DE-66] is GRANTED in part and DENIED in part:

(a) The Motion to Enforce Settlement Agreement is GRANTED. By separate order the Court will enter judgment in favor of Plaintiffs and against Defendants, jointly and severally;

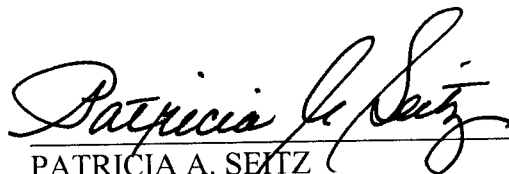
(b) The Motion for future fees is DENIED;

(3) All pending motions not otherwise ruled upon in this Order are DENIED AS MOOT;

and

(4) This case is CLOSED.

DONE and ORDERED in chambers, Miami, Florida, this 15<sup>th</sup> day of June, 2010.



PATRICIA A. SEITZ  
UNITED STATES DISTRICT JUDGE

cc: All counsel of record