

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 17-cv-20314-GAYLES

**FARHOD KARIMOV et al.,
Plaintiffs,**

v.

**OBK CENTER CORP. d/b/a BAHOR
RESTAURANT and IRINA ELIUTINA,
Defendants.**

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge Alicia Otazo-Reyes's Report and Recommendation [ECF No. 34], entered on May 26, 2017. Plaintiffs filed this action on January 25, 2017, alleging that the Defendants failed to pay the Plaintiffs overtime wages, in violation of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* [ECF No. 1]. The Defendants filed a Motion to Dismiss or Stay Proceedings and to Compel Arbitration on March 20th, requesting that the Court stay this action and order the parties to arbitrate based on the fact that each Plaintiff signed a mandatory and binding arbitration agreement [ECF No. 16].¹ This Court referred the action to Judge Otazo-Reyes on April 19, 2017 [ECF No. 23].

Following a hearing on May 26th, Judge Otazo-Reyes entered the instant Report and Recommendation, which recommends that (1) the Defendants' motion to dismiss be denied; (2) the Defendants' motion to stay be granted; and (3) the parties be directed to proceed to arbitration. Objections to the Report and Recommendation were due June 9, 2017. To date, no objections have been filed.

A district court may accept, reject, or modify a magistrate judge's report and recommen-

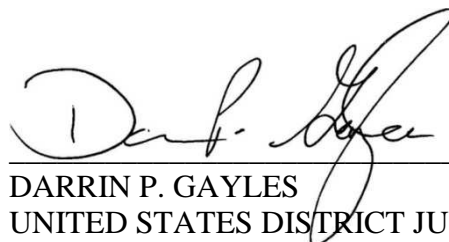
¹ While the motion is captioned as a "Motion to Dismiss" in part; the motion's sole argument is that this Court stay the action pending arbitration.

dation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). If no objections are filed, the district court need only review the report and recommendation for “clear error.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006) (per curiam); *see also* Fed. R. Civ. P. 72 advisory committee’s note. The Court has undertaken this review and has found no clear error in the analysis and recommendations stated in the Report and Recommendation.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

- (1) the Report and Recommendation [ECF No. 34] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) the Defendants’ motion to stay [ECF No. 16] is **GRANTED IN PART**. The Plaintiffs are hereby **DIRECTED** to arbitrate their claims in accordance with their written agreements to arbitrate. The Defendants’ motion is **DENIED** to the extent it seeks dismissal of the Plaintiffs’ claims; and
- (3) this action shall be **STAYED** pending completion of arbitration and shall be administratively closed during the pendency of the stay. Plaintiffs or Defendants may move to reopen the case at the appropriate time.

DONE AND ORDERED in Chambers at Miami, Florida, this 12th day of June, 2017.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE