

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**JUAN CARLOS TORRES IBARRA, et al.,**

Plaintiffs,

– against –

**W&L GROUP CONSTRUCTION INC., et al.,**

Defendants.

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**ANN M. DONNELLY**, United States District Judge:

On March 19, 2019, the plaintiffs brought this action, on behalf of themselves and other similarly situated persons, against the defendants, alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, and the New York Labor Law §§ 650 *et seq.* (ECF No. 1.)<sup>1</sup> On December 28, 2021, the parties filed a joint motion for approval of their settlement agreement. (ECF No. 52.) I referred the motion to Magistrate Judge Marcia M. Henry on January 3, 2022.

On April 21, 2022, Judge Henry held a *Cheeks* hearing; the next day, she issued a Report and Recommendation, in which she recommends that the parties’ motion be denied without prejudice and with leave to renew. (*See* April 22, 2022 Report and Recommendation.) She further recommends that the parties submit a revised, fully executed settlement agreement to address the deficiencies identified at the *Cheeks* hearing by May 12, 2022. (*Id.*) No objections to the Report and Recommendation have been filed, and the time for doing so has passed.

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<sup>1</sup> On August 6, 2019, W&L Group Construction Inc. (“W&L Group”) moved to dismiss the complaint. (ECF No. 17.) I granted W&L Group’s motion, but gave the plaintiffs leave to amend, which they did on November 20, 2019. (ECF Nos. 23, 25.) On March 19, 2020, W&L Group moved to dismiss the amended complaint. (ECF No. 30.) I denied that motion on December 8, 2020. (ECF No. 39.)

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

Judge Henry’s well-reasoned Report and Recommendation contains no error. Accordingly, I adopt it in its entirety.

**SO ORDERED.**

s/Ann M. Donnelly  
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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
May 10, 2022