

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

VERONICA DEL PILAR RUIZ and  
SAGAR DALIYA, individually and on  
behalf of all others similarly situated who  
consent to their inclusion

Plaintiffs,

v.

Case No: 2:14-cv-404-FtM-38CM

CIRCLE K STORES INC. and MAC'S  
CONVENIENCE STORES, LLC,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 128](#)). Judge Mirando recommends granting the parties' Joint Motion to Approve their Settlement ([Doc. 124](#)), approving their Settlement Agreement ([Doc. 124-4](#)), and dismissing the case with prejudice. The parties do not object to the Report and Recommendation, and the time to do so has expired. The Report and Recommendation is thus ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified

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proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


After examining the file independently, and upon considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

- (1) United States Magistrate Judge Carol Mirando’s Report and Recommendation.  
([Doc. 128](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
- (2) The Joint Motion to Approve the Parties’ Settlement ([Doc. 124](#)) is **GRANTED** and the Settlement Agreement ([Doc. 124-4](#)) is **APPROVED** as a fair and reasonable resolution of the bona fide dispute under the Fair Labor Standards Act.
- (3) The above-captioned case is **DISMISSED WITH PREJUDICE**.
- (4) The Clerk is **DIRECTED** to enter judgment, terminate any pending deadlines and motions, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 27th day of June 2018.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record