

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RONALD O'CONNOR, individually, and
on behalf of others similarly situated

Plaintiff,

v.

Case No: 2:16-cv-608-FtM-38MRM

WORTHINGTON PJ, INC.,

Defendant.

_____ /

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 50](#)). Judge McCoy recommends, among other things, (1) granting the parties' Joint Motion for Preliminary Approval of Settlement, Appointment of Class Representatives and Class Counsel, and Certification of Rule 23 Settlement Class ([Doc. 36](#)); and (2) denying Plaintiffs' Motion for Award of Attorneys' Fees and Costs ([Doc. 42](#)) as premature. No party objects to the Report and Recommendation, and the time to do so has expired. The Report and Recommendation is thus ripe for review.

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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 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 carefully and independently, and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation (Doc. 50).

Accordingly, it is now

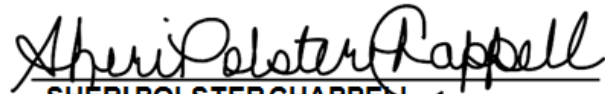
ORDERED:

- (1) The Report and Recommendation (Doc. 50) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) The Joint Motion for Preliminary Approval of Settlement, Appointment of Class Representatives and Class Counsel, and Certification of Rule 23 Settlement Class (Doc. 36) is **GRANTED**.
- (3) The Court will enter the parties’ proposed order (Doc. 36-2), as modified per this Order and the Report and Recommendation, under separate cover.
- (4) The parties proposed Notice (Doc. 36-4) is **APPROVED**.
- (5) The Court **REFERS** the fairness hearing to the United States Magistrate Judge Mac R. McCoy for a Report and Recommendation. The hearing should be set approximately 120 days after the date of this Order at a time convenient for the Court and the parties.

(6) Plaintiffs' Motion for an Award of Attorney's Fees and Costs ([Doc. 42](#)) is

DENIED without prejudice as premature. Plaintiffs may file a renewed motion for attorneys' fees at the conclusion of this litigation, if appropriate.

DONE and ORDERED in Fort Myers, Florida on this 2nd day of January 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record