UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JEANNE BACHMANN; PATRICIA DEARTH; ALICIA DUQUETTE; JESSICA PEREZ; JAMIE RIVERA; LAYFON ROSU; MARISSA SHIMKO; and CAROL SOMERS,

Plaintiffs,

v. Case No. 6:16-cv-1603-Orl-37KRS

HARTFORD FIRE INSURANCE COMPANY,

Defendant.

ORDER

In this Fair Labor Standards Act ("**FLSA**") collective action, Defendant filed a motion for partial summary judgment as to the proper method of calculating any overtime damages. (Doc. 313 ("**Motion**").) On referral, U.S. Magistrate Judge Karla R. Spaulding issued a Report recommending the Court deny the Motion because: (1) it is premature without first finding liability; and (2) a genuine dispute of material fact exists regarding the number of hours for which each Plaintiffs' salary was intended to compensate. (Doc. 329, pp. 13–17 ("**R&R**").) Thus, Magistrate Judge Spaulding concludes, any resolution of the Motion at this point would be an improper advisory opinion. (*Id.* at 13.)

The parties did not object to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R for clear error. *See Wiand v. Wells*

Fargo Bank, N.A., No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no such error, the Court concludes that the R&R is due to be adopted in its entirety.

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

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 329) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Defendant Hartford Fire Insurance Company's Motion for Partial Summary Judgment as to the Proper Method of Calculating Any Overtime Damages (Doc. 313) is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on September 20, 2018.

ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record