

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NICHOLAS NOVIELLI,

Plaintiff,

v.

Case No: 2:17-cv-225-FtM-99MRM

LAKE EFFECT INVESTMENTS,
INC., a Florida profit
corporation and CASSANDRA
KELLEY, individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #25), filed January 16, 2018, recommending that the Amended Joint Motion to Approve Settlement Agreement and to Dismiss With Prejudice (Doc. #24) be granted, the settlement be approved as fair and reasonable, and that the case be dismissed with prejudice. On January 19, 2018, the parties filed a Joint Notice of Non-Opposition to Report and Recommendation (Doc. #26) indicating no objections to the Report and Recommendation.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982),

cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is now

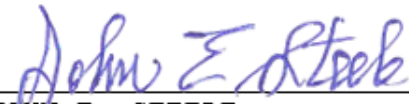
ORDERED:

1. The Report and Recommendation (Doc. #25) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Amended Joint Motion to Approve Settlement Agreement and to Dismiss With Prejudice (Doc. #24) is **granted** and the Settlement Agreement and Mutual General Release of Claims (Doc. #24-1, Exh. A) is approved as a fair and reasonable resolution of a bona fide dispute.

3. The Clerk shall enter judgment **dismissing** the case with prejudice, terminate all deadlines and motions, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 19th day of January, 2018.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties