

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAVID YANOSIK,

Plaintiff,

v.

Case No: 2:17-cv-385-FtM-29MRM

AMAZULU TRANSPORT INC. and
DALE SENEAL,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #40), filed September 26, 2018, recommending that the Joint Motion for Approval of the FLSA Settlement be granted and the Revised Settlement Agreement be approved with a few suggested modifications. No objections have been filed and the time to do so has expired.

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, including the modifications for defendants to pay the filing fee, and the costs of service. The Court also accepts the modification to sever and strike the "Release by Plaintiff" provision.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #40) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion for Approval of the FLSA Settlement (Doc. #39) is **granted** and the Revised Settlement Agreement (Doc. #39-1) is approved as a fair and reasonable resolution of a bona fide dispute with the following modifications:

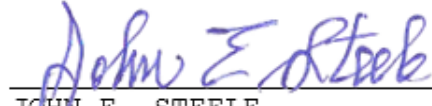
- A. Defendants shall pay the filing fee of \$400 to the Clerk of Court within **FOURTEEN (14) DAYS** of this Opinion and Order and file a Notice thereafter indicating compliance;
- B. Defendants shall pay the costs of service in the amount of \$534.60 to the U.S. Marshal's Service within **FOURTEEN (14)**

DAYS of this Opinion and Order and file a Notice thereafter indicating compliance; and

C. The Release by Plaintiff, paragraph 4 of the Revised Settlement Agreement, is hereby **stricken**.

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 17th day of October, 2018.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record
Unrepresented parties