

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THOMAS FUSIC, on behalf of himself
and others similarly situated

Plaintiff,

v.

Case No: 2:17-cv-390-FtM-38CM

KING PLASTIC CORPORATION,

Defendant.

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OPINION AND ORDER¹

This matter comes before the Court on review of United States Magistrate Judge Carol Mirando's Report and Recommendation ([Doc. 38](#)), filed on April 3, 2018. The parties jointly move to waive the objection period. ([Doc. 39](#)). Thus, the matter is ripe for review.

Judge Mirando recommends granting the parties' Amended Joint Motion to Approve Settlement Agreement ([Doc. 37](#)) as a fair and reasonable resolution to a bona fide dispute under the Fair Labor Standards Act ("FLSA"). Upon a careful and thorough review of the findings, 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\(b\)\(1\)](#);

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see also *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, the district judge is not required to conduct a *de novo* review of the factual findings, *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)(C). However, the district judge reviews legal conclusions *de novo*, even in the absence of an objection. *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration of Judge Mirando's Report and Recommendation and after conducting an independent review of the record, this Court adopts, accepts, and approves the Report and Recommendation (Doc. 38).

Accordingly, it is now **ORDERED**:

1. United States Magistrate Judge Carol Mirando's Report and Recommendation (Doc. 38) is **ACCEPTED and ADOPTED**.
2. The parties' Amended Joint Motion to Approve Settlement Agreement (Doc. 37) is **GRANTED**, and the Settlement Agreement (Doc. 37 at 6-11) is **APPROVED** as fair and reasonable.
3. The Clerk of Court is **DIRECTED** to enter judgment accordingly, dismiss the remainder of the case with prejudice, terminate all deadlines and motions, and close the file.

DONE and ORDERED in Fort Myers, Florida this 8th day of April, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record