

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

COY MCBROOM, on behalf of  
himself and others similarly  
situated,

Plaintiff,

v.

Case No: 2:17-cv-481-FtM-99MRM

ISLAND CONSTRUCTION LLC, a  
Florida limited liability  
company and SHAWN LONGAKER,  
individually,

Defendants.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #35), filed January 30, 2019, recommending that the Joint Motion to Approve Settlement (Doc. #31) be denied without prejudice, and that the parties be ordered to elect one of two options no later than March 15, 2019. 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).

The Magistrate Judge noted a discrepancy in the amount of the settlement between the motion and the Memorandum of Mediated Settlement that required further information, as well as a discrepancy in the amount claimed in the Answers to the Court's interrogatories and the ultimate settlement amount. The Magistrate Judge found a failure to allocate what portion of the award constituted unpaid wages and what part was liquidated damages, and found that not all parties had signed the Memorandum. The Magistrate further found a failure by the parties to address whether attorney fees were determined separately. 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

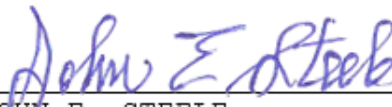
**ORDERED:**

1. The Report and Recommendation (Doc. #35) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion to Approve Settlement (Doc. #31) is **denied**.

3. The parties shall file an amended joint motion that adequately address the issues identified by the Magistrate Judge along with a settlement agreement that is signed by all parties **on or before March 15, 2019**. If no amended motion and agreement is timely filed, the parties shall be prepared to proceed with the case to trial.

**DONE and ORDERED** at Fort Myers, Florida, this 14th day of February, 2019.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record  
Unrepresented parties