

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JOSE ALVARDO, on behalf of himself  
and others similarly situated,

Plaintiff,

v.

Case No: 2:17-cv-516-FtM-38CM

J. MIKE GUITARD PAINTING, INC.,

Defendant.

\_\_\_\_\_ /

**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 27](#)). Judge Mirando recommends granting the parties' Renewed Joint Motion to Approve Settlement ([Doc. 26](#)) and approving the Settlement Agreements and Releases ([Doc. 26-1](#), [Doc. 26-2](#)) as a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act. Because the parties do not object to the Report and Recommendation and have waived the exception period ([Doc. 28](#)), this matter is ripe for review.

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\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified

---

<sup>1</sup> Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


After examining the file carefully and independently, and upon considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

- (1) The Joint Motion to Waive Exception Period ([Doc. 28](#)) is **GRANTED**.
- (2) The Report and Recommendation ([Doc. 27](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (3) The Joint Motion to Approve Settlement ([Doc. 26](#)) is **GRANTED** and the Settlement Agreements and Releases ([Doc. 26-1](#), [Doc. 26-2](#)) are **APPROVED** as a fair and reasonable resolution of the *bona fide* FLSA dispute. This action is **DISMISSED with prejudice**.
- (4) The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending deadlines and motions, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 16th day of January, 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record