

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

LORI SERBONICH,

Plaintiff,

v.

Case No: 2:17-cv-528-FtM-29MRM

PACIFICA FORT MYERS, LLC, a  
Florida limited liability  
company and EXTENDED CARE  
PORTFOLIO FLORIDA LLC, a  
foreign limited liability  
company,

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. #40), filed May 29, 2018, recommending that the Joint Motion for Approval of Settlement (Doc. #39) be granted in part, the settlement be approved, the Court decline to retain jurisdiction, and that the case be dismissed. On May 30, 2018, the parties filed a Notice to the Court That the Parties Have *No Objection* to the Magistrate Judge's Report and Recommendation (Doc. #41).

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. #40) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion for Approval of Settlement (Doc. #39) is **granted in part and denied in part** and the Settlement Agreement (Doc. #39-1) is approved as a fair and reasonable resolution of a bona fide dispute.

3. The Clerk shall enter judgment **dismissing** the case with prejudice without the Court retaining jurisdiction, terminate all deadlines and motions, and close the file.

**DONE and ORDERED** at Fort Myers, Florida, this 31st day of May, 2018.

  
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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