

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SHALIECE D. HALL,

Plaintiff,

v.

Case No: 2:17-cv-607-FtM-29MRM

THE UNITED GROUP OF
COMPANIES, INC., CARLYLE
INVESTMENT MANAGEMENT LLC,
and UNITED PAYROLL, LLC,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #38), filed December 20, 2018, recommending that the Joint Motion to Approve [sic] Settlement and Dismiss Action *With Prejudice* (Doc. #37) be granted, and the Settlement Agreement and Release of the FLSA Claim (Doc. #37-1) be approved with a modification. 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 found that the parties' settlement was fair and reasonable with the exception of the waiver of jury trial provision because there was no indication that plaintiff received additional consideration for the waiver. 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

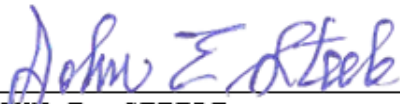
ORDERED:

1. The Report and Recommendation (Doc. #38) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion to Approve [sic] Settlement and Dismiss Action *With Prejudice* (Doc. #37) is **granted** to the extent that the Settlement Agreement and Release of the FLSA Claim (Doc. #37-1) is approved as a fair and reasonable resolution of a bona fide dispute except that the Waiver of Jury Trial provision is stricken and severed.

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 7th day of January, 2019.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record
Unrepresented parties