

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ROBERT ALVES and KEVIN  
FERRELL,

Plaintiffs,

v.

Case No: 2:17-cv-664-FtM-29MRM

B&W PAVING CONTRACTORS OF  
SOUTHWEST FLORIDA, INC., a  
Florida profit corporation  
and CHARLES WILLEY,  
individually,

Defendants.

---

**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #27), filed March 22, 2019, recommending that the Joint Motion to Approve Settlement Agreement and Stipulation for Dismissal With Prejudice (Doc. #24) and Joint Supplemental Memorandum (Doc. #26) be granted, the settlement be approved, and the case dismissed. 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).

Upon initial review of the Joint Motion to Approve Settlement Agreement and Stipulation for Dismissal With Prejudice (Doc. #24), the Magistrate Judge found that the settlement could not be approved because of a possible lack of consideration for the dismissal of plaintiff Robert Alves' retaliation claim, and the lack of clarity as to the general releases. (Doc. #25.) In response, the parties filed a Joint Supplemental Memorandum (Doc. #26) to address the concerns, and a revised Settlement Agreement and Release of Claims (Doc. #26-1). It is for this revised agreement that the Magistrate Judge recommended approval. 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

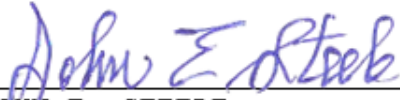
**ORDERED:**

1. The Report and Recommendation (Doc. #27) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion to Approve Settlement Agreement and Stipulation for Dismissal With Prejudice (Doc. #24) is **granted** and the (revised) Settlement Agreement and Release of Claims (Doc. #26-1) is approved as a fair and reasonable resolution of a bona fide dispute.

3. The Clerk shall enter judgment **dismissing** the case with prejudice, terminate all deadlines and motions, and close the file.

**DONE and ORDERED** at Fort Myers, Florida, this 8th day of April, 2019.

  
\_\_\_\_\_  
JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record  
Unrepresented parties