

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

WILNORD GERMAIN

Plaintiff,

v.

Case No: 2:18-cv-8-FtM-38MRM

COLLIER FOOD & BEVERAGE,  
INC. and JOSEPH DINUNZIO,

Defendants.

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**ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 31](#)). Judge McCoy recommends denying the parties' Joint Motion to Approve Settlement Agreement. No party objects to the Report and Recommendation, and the time to do so has expired. The Report and Recommendation is thus 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 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.*

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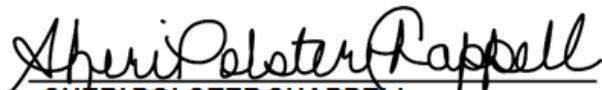
After examining the file independently, and upon considering Judge McCoy's findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

- (1) United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 31](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
- (2) The Joint Motion to Approve Settlement Agreement ([Doc. 30](#)) is **DENIED**.
- (3) On or before **October 22, 2018**, the parties must either:
  - a. file an amended joint motion to approve a settlement agreement that adequately addresses the issues identified in the Report and Recommendation and adopted herein; or
  - b. file a joint notice advising the Court that the parties wish to proceed with this case under the Case Management and Scheduling Order dated June 29, 2018 ([Doc. 28](#)).

**DONE** and **ORDERED** in Fort Myers, Florida this 25th day of September 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record