

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WILNORD GERMAIN, and other
similarly situated non-exempt
employees,

Plaintiff,

v.

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

COLLIER FOOD & BEVERAGE,
INC. and JOSEPH DINUNZIO,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 34](#)). Judge McCoy recommends granting the Renewed and Amended Joint Motion to Approve Amended Settlement Agreement ([Doc. 33](#)) and approving the Amended Settlement Agreement ([Doc. 33-1](#)) as a "fair and reasonable resolution of a bona fide dispute" of the parties' wage and hour dispute. ([Doc. 34](#)). 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

¹ 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 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. 34) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.


a. The Renewed and Amended Joint Motion to Approve Amended Settlement Agreement (Doc. 33) is **GRANTED**.

b. The Amended Settlement Agreement (Doc. 33-1) is **APPROVED** as a “fair and reasonable resolution of a bona fide dispute” of the parties’ wage and hour dispute.

(2) The above-captioned case is action is **DISMISSED with prejudice**.

(3) 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 19th day of November 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record