

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KIM JAYNELLA,

Plaintiff,

v.

Case No: 2:18-cv-164-FtM-38CM

MARC S. SCHNEIDER, M.D.,

Defendant.

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OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 11](#)). Judge Mirando recommends granting the parties' Joint Motion for Approval of Settlement ([Doc. 10](#)) and dismissing with prejudice all claims asserted in this action by Plaintiff Kim Jaynella. The parties do not object to the Report and Recommendation, and the time to do so has expired. For the following reasons, the Court accepts and adopts the Report and Recommendation.

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

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

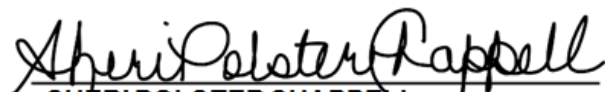
After examining the file independently, and upon considering Judge Miranda’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation ([Doc. 11](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
- (2) The parties’ Joint Motion for Approval of Settlement ([Doc. 10](#)) is **GRANTED** and the Modified Release of Claims Agreement ([Doc. 10 at 7-13](#)) is **APPROVED** as a fair and reasonable resolution of the bona fide dispute under the Fair Labor Standards Act.
- (3) The above-captioned case is action is **DISMISSED WITH PREJUDICE**.
- (4) 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 11th day of June 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record