

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROSA VELA, on behalf of herself and
others similarly situated

Plaintiff,

v.

Case No: 2:18-cv-165-FtM-38MRM

SUNNYGROVE LANDSCAPE &
IRRIGATION MAINTENANCE, LLC,

Defendant.

_____ /

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 21](#)). Judge McCoy recommends that the parties' Amended Joint Motion for Approval of Settlement ([Doc. 20](#)) be approved. For the following reasons, the Court accepts and adopts Judge McCoy's Report and Recommendation.

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. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#). 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\(b\)\(1\)\(C\)](#). The district judge

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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).

This is the parties' second attempt at obtaining court approval of their Fair Labor Standards Act ("FLSA") settlement. ([Docs. 18; 19](#)). In their first attempt, Judge McCoy recommended that their settlement not be approved. ([Doc. 19](#)). In response, the parties filed their Amended Joint Motion for Approval of Settlement. ([Doc. 20](#)). Judge McCoy now recommends that the amended settlement agreement be approved. ([Doc. 21](#)). After independently examining the file and on consideration of Judge McCoy's findings and recommendation, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now **ORDERED**:

1. The Report and Recommendation ([Doc. 21](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. The parties' Amended Joint Motion for Approval of Settlement ([Doc. 20](#)) is **GRANTED**. The revised settlement agreement ([Doc. 20-1](#)) is approved as a fair and reasonable resolution of a bona fide dispute of the parties' FLSA issues.
3. This action is **DISMISSED with prejudice**.
4. The Clerk of Court is **DIRECTED** to enter judgment accordingly, dismiss the case with prejudice, terminate all pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 7th day of November 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record