

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MICHAEL WEST, an individual

Plaintiff,

v.

Case No: 2:18-cv-348-FtM-38MRM

ITALIAN TERAZZO & TILE CO. OF
BREVARD, LLC,

Defendant.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 29](#)). Judge McCoy recommends granting the Joint Motion to Approve the Parties' Proposed FLSA Settlement and Thereafter Enter Dismissal with Prejudice ([Doc. 26](#)) and approving the Settlement Agreement ([Doc. 26-1](#)) as a "fair and reasonable resolution of a bona fide dispute" of the parties' Fair Labor Standards Act issues. 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

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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 McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

(1) The Report and Recommendation ([Doc. 29](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.

a. The Joint Motion to Approve the Parties’ Proposed FLSA Settlement and Thereafter Enter Dismissal with Prejudice ([Doc. 26](#)) is **GRANTED**.

b. The Settlement Agreement ([Doc. 26-1](#)) is **APPROVED** as a “fair and reasonable resolution of a bona fide dispute” of the parties’ FLSA issues.

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

(3) The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 26th day of March 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record