

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RAFAEL CHAVEZ, on behalf of
himself and all similarly
situated individuals,

Plaintiff,

v.

Case No: 2:18-cv-375-FtM-99MRM

BA PIZZA, INC., a Florida
Profit Corporation, BA PIZZA
II, INC., a Florida Profit
Corporation, BA PIZZA III,
INC., a Florida Profit
Corporation, and TOM
VENITIS, individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #15), filed June 12, 2018, recommending that the Motion for Approval of FLSA Settlement (Doc. #13) be denied without prejudice, and the parties be directed to elect one of several listed options. No objections have been filed and the time to do so has expired.

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. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982),

cert. denied, 459 U.S. 1112 (1983). 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). The district judge 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); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge but will modify the deadlines in light of the FLSA Scheduling Order (Doc. #18) issued on June 20, 2018.

Accordingly, it is now

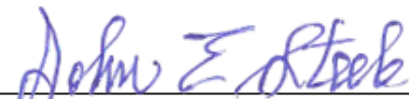
ORDERED:

1. The Report and Recommendation (Doc. #15) is hereby **adopted** and the findings **incorporated** herein.

2. Defendants' Motion for Approval of FLSA Settlement (Doc. #13) is **DENIED**.

3. The parties shall elect one of the following options **no later than July 13, 2018**: (1) file an amended motion that adequately addresses the issues identified by the Magistrate Judge; or (2) otherwise comply with the FLSA Scheduling Order (Doc. #18).

DONE and ORDERED at Fort Myers, Florida, this 27th day of June, 2018.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties