

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BILL SIEBERT,

Plaintiff,

v.

Case No.: 2:18-cv-796-FtM-38MRM

NOVAK ENVIRONMENTAL
SERVICES, LLC.,

Defendant.

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OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 24](#)) filed on July 7, 2019. Judge McCoy recommends granting the parties' Joint Motion to Approve Settlement and Dismiss With Prejudice ([Doc. 22](#)) as a "fair and reasonable solution of a bona fide dispute" of the FLSA issues, and denying the parties' request to reserve jurisdiction to enforce the settlement agreement. The parties filed a Joint Notice of Non-Objection, waiving their right to file written objections ([Doc. 25](#)) on July 8, 2019. Thus, the Report and Recommendation is 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

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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 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. 24](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.

(2) The Joint Motion to Approve Settlement and Dismiss With Prejudice ([Doc. 22](#)) is **GRANTED in part and DENIED in part**.


a. The Joint Motion is granted to the extent that the Settlement Agreement ([Doc. 22-1](#)) is **APPROVED** as a “fair and reasonable resolution of a bona fide dispute” of the parties’ FLSA issues.

b. The Joint Motion is **DENIED** to the extent it requests the Court retain jurisdiction.

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

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

DONE and **ORDERED** in Fort Myers, Florida this 8th day of July, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record