

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KAREN L. LAVIN,

Plaintiff,

v.

Case No: 2:18-cv-801-FtM-99MRM

PIERHOUSE-FT MYERS BEACH
LTD, a Florida limited
partnership and MARTIN YORK,
individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #26), filed April 30, 2019, recommending that the Joint Motion to Approve Uncompromised Settlement and Joint Stipulation for Dismissal of Lawsuit With Prejudice (Doc. #25) be denied without prejudice to the parties electing one of two 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).

The Magistrate Judge found that the Settlement Agreement and General Release Agreement (Doc. #25-1) could not be approved as fair and reasonable because certain concessions were made without a separate and identified consideration, and based on the presence of a confidentiality provision. 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.

Accordingly, it is now

ORDERED:

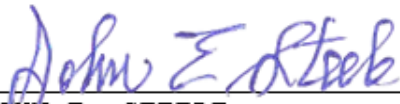
1. The Report and Recommendation (Doc. #26) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion to Approve Uncompromised Settlement and Joint Stipulation for Dismissal of Lawsuit With Prejudice (Doc. #25) is **denied** without prejudice.

3. The parties shall file an amended joint motion to approve a settlement agreement **on or before June 14, 2019**, or otherwise

file a Case Management Report so that the case may be set for trial.

DONE and ORDERED at Fort Myers, Florida, this 20th day of May, 2019.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record
Unrepresented parties