

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

JOHN A SCHULTZ,

Plaintiff,

v.

Case No: 2:20-cv-400-SPC-MRM

WILSON LIGHTING OF
NAPLES, INC., BRIAN
WILSON and ROBERT
WILSON, III ,

Defendants.

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OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 12](#)). Judge McCoy recommends denying the parties' Joint Renewed Motion for Approval of Parties' Settlement Agreement and Stipulation of Dismissal with Prejudice. Neither party objects to the Report and Recommendation, and the time to do so has expired.

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

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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.

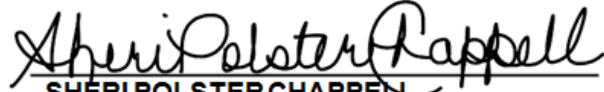
Accordingly, it is now

ORDERED:

1. United States Magistrate Judge Mac R. McCoy’s Report and Recommendation ([Doc. 12](#)) is **ACCEPTED and ADOPTED** and the findings are incorporated herein.
2. The parties’ Joint Renewed Motion for Approval of Parties’ Settlement Agreement and Stipulation of Dismissal with Prejudice ([Doc. 11](#)) is **DENIED** without prejudice.
3. By February 23, 2021, the parties must elect one of these options:
 - a. File an amended joint motion to approve a settlement agreement that adequately addresses the issues identified in Judge McCoy’s Report and Recommendation and file a fully executed settlement agreement that is binding on relevant parties if approved by the Court; or

b. Defendants file an Answer so that this case may proceed with the Court entering an FLSA Scheduling Order.

DONE and **ORDERED** in Fort Myers, Florida on February 9, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record