

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GERARDO MORALES, and other
similarly situated individuals,

Plaintiff,

v.

Case No.: 2:23-cv-390-SPC-KCD

TRADEMARK DOUGLAS, LLC,
STORM ROOFING AND
CONSTRUCTION LLC and ELLIS
C. WESTBY,

Defendants.

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OPINION AND ORDER

Before the Court is the Parties' Joint Motion for Settlement Approval (Doc. 50) and United States Magistrate Judge Kyle C. Dudek's Report and Recommendation (Doc. 51). Judge Dudek recommends granting the motion and dismissing the action as to Defendant Trademark Douglas, LLC. No party objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," the magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). In the absence of specific objections, there is no requirement that a district judge review the Report and Recommendation de novo. *See Garvey*

v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error as demanded by the interests of justice. *See, e.g., Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) "an error occurred"; (2) "the error was plain"; (3) "it affected substantial rights"; and (4) "not correcting the error would seriously affect the fairness of the judicial proceedings." *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

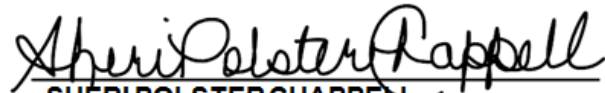
After careful consideration and an independent review of the case, the Court finds no plain error. It accepts and adopts the Report and Recommendation in full.

Accordingly, it is now

ORDERED:

1. United States Magistrate Judge Kyle C. Dudek's Report and Recommendation (Doc. 51) is **ACCEPTED and ADOPTED**, and the findings incorporated herein.
2. The Joint Motion for Settlement Approval (Doc. 50) is **GRANTED**, and this action is **DISMISSED with prejudice** as to Defendant Trademark Douglas, LLC only.

DONE and **ORDERED** in Fort Myers, Florida on January 19, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record