

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

SHERYL HOLLY-TAYLOR,

Plaintiff,

v.

Case No. 5:23-cv-609-MMH-PRL

CAREGIVER SERVICES, INC.,

Defendant.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 15; Report) entered by the Honorable Philip Lammens, United States Magistrate Judge, on December 14, 2023. In the Report, Judge Lammens recommends that the Joint Motion for Approval of the Settlement Agreement and for Dismissal of Plaintiff's Lawsuit With Prejudice and Incorporated Memorandum of Law (Dkt. No. 14; Motion) be granted; the Court find the Settlement Agreement to be a fair and reasonable compromise of Plaintiff's FLSA claims; and the case be dismissed with prejudice. See Report at 5. The parties do not have any objections to the Report. See Joint Notice of No Objection to Report and Recommendation (Dkt. No. 16).

The Court “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). Pursuant to Rule 72, Federal Rules of Civil Procedure (Rule(s)), the Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Rule 72(b)(3); see also 28 U.S.C. § 636(b)(1). However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions. See 11th Cir. R. 3-1.¹ As such, the Court reviews those portions of the Magistrate Judge’s findings to which no objection was filed for plain error and only if necessary, in the interests of justice. See id.; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304-05 (11th Cir. 2013) (recommending the adoption of what would become 11th Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not.”).

¹ The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. See Report at 1, n.1.

Upon review of the record, including the Report, Motion, and Settlement Agreement and Release (Dkt. No. 14-1), the undersigned concludes that the settlement represents a “reasonable and fair” resolution of Plaintiff’s claims. Accordingly, the Court will accept and adopt the Report.

In light of the foregoing, it is hereby

ORDERED:

1. The Report and Recommendation (Dkt. No. 15) is **ADOPTED** as the opinion of the Court.
2. The Joint Motion for Approval of the Settlement Agreement and for Dismissal of Plaintiff’s Lawsuit With Prejudice and Incorporated Memorandum of Law (Dkt. No. 14) is **GRANTED**.
3. The Settlement Agreement and Release (Dkt. No. 14-1) is **APPROVED**.
4. This case is **DISMISSED with prejudice**.
5. The Clerk of the Court is directed to terminate all pending motions and deadlines as moot and close the file.

DONE AND ORDERED in Chambers this 18th day of December, 2023.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record