

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

DARYL TEBLUM, individually and  
on behalf of all others similarly  
situated

Plaintiff,

v.

Case No: 2:19-cv-403-SPC-MRM

PHYSICIAN  
COMPASSIONATE CARE LLC,

Defendant.

\_\_\_\_\_ /

**OPINION AND ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 53](#)). Judge McCoy recommends granting in part and denying in part Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement. ([Doc. 53](#)).

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 portions of the report or specified proposed findings or recommendations to

---

<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

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. Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement ([Doc. 49](#)) is **GRANTED IN PART** and **DENIED IN PART** consistent with Judge McCoy’s Report and Recommendation.
2. The parties’ settlement agreement is preliminarily approved.
3. The parties must submit a revised short form notice that cures the deficiency noted in Judge McCoy’s Report and Recommendation.
4. The deadlines proposed by Plaintiff concerning notice, opt-outs, objections, final approval, and claims (*see* [Doc. 49 at 19-20](#); [Doc. 49-3](#)) are adopted.
5. The final approval and fairness hearing will be set approximately 120 days after entry of this order.

**DONE** and **ORDERED** in Fort Myers, Florida on February 4, 2021.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record