

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-22782-Civ-COOKE/TORRES

BENJAMIN FERNANDEZ, *et. al.*,

Plaintiffs,

vs.

MERRILL LYNCH, PIERCE,
FENNER & SMITH INCORPORATED,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

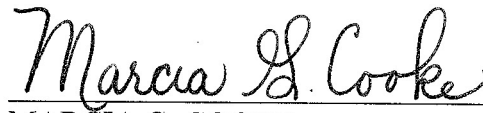
THIS MATTER is before me upon the September 29, 2017 Report and Recommendation (“R&R”) of the Honorable Edwin G. Torres (ECF No. 175), regarding Plaintiffs’ Unopposed Motion for Preliminary Approval of Settlement Agreement (ECF No. 169).

In his R&R, Judge Torres recommended that the Court preliminarily find that the Settlement Agreement is capable of being finally approved, approve the Settlement Class as defined in the Settlement Agreement, approve the form of the Settlement Class notice, and conduct a fairness hearing no earlier than forty (40) days after the Settlement Notice is sent to Settlement Class Members. No objections were filed to the R&R and the time to do so has passed.

I have reviewed the underlying Motion, Judge Torres’ R&R, the record, and the relevant legal authorities. Having done so, I find Judge Torres’ R&R to be clear, cogent, and compelling.

Accordingly, Judge Torres’ R&R (ECF No. 175), is **AFFIRMED and ADOPTED** as the Order of this Court. It is hereby **ORDERED and ADJUDGED** that Plaintiffs’ Unopposed Motion for Preliminary Approval of Settlement Agreement (ECF No. 169) is **GRANTED**. A separate Order shall issue scheduling the fairness hearing.

DONE and ORDERED in Chambers, Miami, Florida, this 13th day of October
2017.

Handwritten signature of Marcia G. Cooke in cursive script.

MARCIA G. COOKE
United States District Judge

Copies furnished to:
Edwin G. Torres, U.S. Magistrate Judge
Counsel of record