**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO**

**DANIEL CONCEPCION,** *et al.*,

Plaintiffs,

v.

**OFFICE OF THE COMMISSIONER OF BASEBALL,** *et al.,*

*Defendants*.

Civil No. 22-1017 (MAJ/BJM)

**OPINION AND ORDER**

Before the Court is a Report and Recommendation ("R & R") issued by Magistrate Judge Bruce J. McGiverin, (**ECF No. 83**) recommending the Court grant Defendants' Motion to Dismiss. (**ECF No. 51**).

The R & R was issued on May 31, 2023, and objections were due by June 14, 2023. No objections have been filed. After reviewing the R & R, and all the pleadings on the record, the Court finds the R & R well-reasoned, grounded in fact and law, and free of "plain error." *See M. v. Falmouth School Department*, 847 F.3d 19, 25 (1st Cir. 2017) ("Absent objection ... a district court has a right to assume that the affected party agrees to the magistrate's recommendation.") (cleaned up); *Nogueras-Cartagena v. United States*, 172 F.Supp.2d 296, 305 (D.P.R. 2001) ("Court reviews [unopposed] Magistrate's Report and Recommendation to ascertain whether or not the Magistrate's recommendation was clearly erroneous."). The Court, therefore, ACCEPTS and ADOPTS the R & R in full.

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**IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (**ECF No. 51**) is **GRANTED**. Plaintiffs' Sherman Act, Fair Labor Standards Act, and Puerto Rico wage and hour claims against all Defendants, except the Kansas City Royals, San Francisco Giants, and San Diego Padres, are **DISMISSED without prejudice**. The claims against the Kansas City Royals, San Francisco Giants, and San Diego Padres are **DISMISSED with prejudice**. Plaintiffs' claims for declaratory relief from the Curt Flood Act and baseball's antitrust exemption are also **DISMISSED with prejudice**.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 21st day of June, 2023.

**S/ MARÍA ANTONGIORGI-JORDÁN**
**United States District Judge**