

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KENNETH ROBERTS,

Plaintiff,

v.

**M & M TIRE & MECHANICAL
SERVICES, INC.,**

Defendant.

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Case No.: 2:17-cv-00506-MHH

MEMORANDUM OPINION

Plaintiff Kenneth Roberts brought this action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, et seq., against defendant M&M Tire & Mechanical Services, Inc. for unpaid overtime wages. (Doc. 1). The parties have reached an agreement resolving Mr. Roberts’s FLSA claim. (Doc. 15). Pursuant to *Lynn’s Food Stores, Inc. v. U.S. ex. Rel. U.S. Dep’t of Labor*, 679 F.2d 1350 (11th Cir. 1982), the parties ask the Court to approve their settlement and dismiss this case.

The Court has examined the pleadings and finds that a bona fide dispute of law and fact exists in this case, including whether Mr. Roberts was an exempt employee for purposes of the FLSA. (Doc. 1, pp. 3–4; Doc. 6, pp. 3–4). Having

reviewed the terms of the parties' proposed FLSA settlement, the Court finds that the agreement's terms represent a fair and reasonable compromise of a bona fide dispute. Therefore, the Court approves the settlement and directs the parties to finalize the settlement through the exchange of consideration.

Consistent with the parties' agreement, Mr. Roberts will release his FLSA claim for overtime wages in exchange for \$1,890.00 in unpaid wages (less applicable taxes and withholdings) and \$1,890.00 in liquidated damages. (Doc. 15, p. 9). Also in accordance with the agreement, M&M shall pay attorney's fees and costs in the amount of \$5,220.00 to the firm of Fonteneau and Arnold, LLC. (Doc. 15, pp. 9–10). The Court finds the fee payment reasonable under the particular circumstances of this case.

The Court will enter a separate order dismissing this action with prejudice.

DONE and **ORDERED** this December 19, 2017.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE