

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

BRADFORD T. KING,

Plaintiff,

-vs-

Case No. 2:08-cv-307-FtM-29SPC

WELLS FARGO HOME MORTGAGE a division
of Wells Fargo Bank, N.A.,

Defendant.

REPORT AND RECOMMENDATION

TO THE UNITED STATES DISTRICT COURT

This matter comes before the Court on the Defendant's Notice of Filing Joint Settlement Report and Settlement Agreement Under Seal Pursuant to Court's Order of June 24, 2009 (Doc. #25) filed on July 9, 2009.

This case was brought under the Fair Labor Standards Act (FLSA) 29 U.S.C. § 201 *et. seq.* The Parties have reached a settlement agreement and seek court approval of that agreement. In Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1352-1355 (11th Cir. 1982), the Eleventh Circuit explained that claims for back wages under the FLSA may only be settled or compromised when the Department of Labor supervises the payment of back wages or when the district court enters a stipulated judgment "after scrutinizing the settlement for fairness." Pursuant to the Stipulation for Dismissal (Doc. #23) and the Joint Settlement Report and Settlement Agreement (Doc. #25), the parties have agreed to keep the terms of the settlement confidential. Accordingly, the parties submitted their Joint Settlement Report *in camera* for the Court's review.

Upon review of the settlement report, the Plaintiff has agreed that the settlement figure was entered into knowingly and voluntarily, after having the opportunity to fully discuss it with his attorney. Because the Plaintiff agreed to the settlement figure which was entered into knowingly and voluntarily, after having the opportunity to fully discuss it with an attorney, the Court concludes that the proposed settlement is a fair and reasonable resolution of a bona fide dispute over the FLSA

Accordingly, it is now

RESPECTFULLY RECOMMENDED:

The Joint Motion to Approve FLSA Settlement Agreement and General Release (Doc. #22) should be **GRANTED** and the settlement agreement should be **APPROVED** by the District Court. It is further respectfully recommended the case should be **DISMISSED with Prejudice** pursuant to the agreement of the Parties and the Clerk should be directed to close the file

Failure to file written objections to the proposed findings and recommendations contained in this report within ten (10) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

Respectfully recommended at Fort Myers, Florida, this 15th day of July, 2009.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record