

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

IVANONNA PUELLO,

Plaintiff,

v.

CASE NO. 2:09-CV-485-FtM-36SPC

EAGLE CONCRETE SYSTEMS, INC., a Florida
profit corporation; MICHAEL J. LEANNAH,
individually; CARMEL M. LEANNAH,
individually,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation filed by United States Magistrate Judge Sheri Chappell on July 21, 2011 (Dkt. 35), recommending that the Court grant the Joint Motion for Approval of Settlement and for Entry of Final Judgment (Dkt. 34). No party filed an objection to the Report and Recommendation, and the time to do so has expired.

The Court notes that on July 27, 2011, Plaintiff notified the Court that Defendants Michael Leannah and Carmel Leannah filed Bankruptcy in the United States Bankruptcy Court (Dkt. 36). The Court subsequently entered an order staying the case as to the individual Defendants (Dkt. 37). This Order does not apply to Defendants Michael Leannah and Carmel Leannah.

After careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved as modified herein. The Court is satisfied that the settlement reached between the parties is a "fair and reasonable resolution of a bona fide dispute" of the claims raised pursuant to the Fair Labor

Standards Act. *See Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir.1982); 29 U.S.C. § 216. Because the individual Defendants filed Bankruptcy, the Report and Recommendation shall only apply to the corporate Defendant.

Accordingly, it is hereby, **ORDERED** and **ADJUDGED** as follows:

- 1) The Report and Recommendation of the Magistrate Judge (Dkt. 35) is **ADOPTED**, **CONFIRMED**, and **APPROVED** as modified herein and is made a part of this Order for all purposes, including appellate review.
- 2) The Joint Motion for Approval of Settlement Agreement and For Entry of Final Judgment (Dkt. 34) is **GRANTED as to Defendant Eagle Concrete Systems, Inc. ONLY**. The settlement reached constitutes a fair and reasonable resolution of the dispute.
- 3) Plaintiff Ivanonna Puello is entitled to recover from Defendant Eagle Concrete Systems, Inc. the sum of \$7,029.76 on principal, \$5,000.00 for attorney's fees, and \$470.24 for costs. The total award is \$12,500.00, which shall bear interest at the legal rate.
- 4) The Clerk is directed to terminate any pending motions/deadlines and enter judgment in favor of Plaintiff Ivanonna Puello in the amount of \$12,500 and against Defendant Eagle Concrete Systems, Inc. only.

DONE AND ORDERED at Ft. Myers, Florida, on August 9, 2011.

Charlene Edwards Honeywell
Charlene Edwards Honeywell
United States District Judge

COPIES TO:
UNITED STATES MAGISTRATE JUDGE SHERI P. CHAPPELL
COUNSEL OF RECORD