

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

ERIC RODRIGUEZ, on his own behalf
and others similarly situated

Plaintiff,

v.

CASE NO. 2:10-CV-353-FtM-36DNF

ONE CELLULAR STOP, INC., a Florida
profit corporation,

Defendant.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation filed by United States Magistrate Judge Douglas Frazier on December 15, 2010 (Dkt. 27) recommending that the Court grant the parties' Joint Motion for Approval of Proposed Settlement Agreement (Dkt. 26) and approve the Settlement Agreement and Release (Dkt. 26-1). The Court notes that the parties filed a joint notice of non-objection to the Report and Recommendation on the same day (Dkt. 28).

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 in all respects. 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.

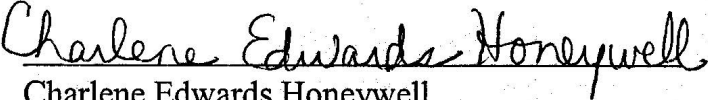
ACCORDINGLY, it is hereby, **ORDERED** and **ADJUDGED** as follows:

1) The Report and Recommendation of the Magistrate Judge (Dkt. 27) is **ADOPTED**, **CONFIRMED**, and **APPROVED** in all respects and is made a part of this order for all purposes, including appellate review.

2) The Joint Motion for Approval of Settlement (Dkt. 26) is **GRANTED**. The Settlement Agreement (Dkt. 26, Ex. 1) is **APPROVED**. This action is dismissed, with prejudice.

3) The clerk is directed to terminate any pending motions/deadlines, enter judgment accordingly, and **CLOSE** this case.

DONE AND ORDERED at Ft. Myers, Florida, on December 16, 2010.


Charlene Edwards Honeywell
United States District Judge

COPIES TO:
UNITED STATES MAGISTRATE JUDGE DOUGLAS N. FRAZIER
COUNSEL OF RECORD