

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

ELIZABETH CUNNINGHAM, BETH
FLEMING, MARYANN GARRETT, DEAN
YOUNG, JESUS ZAMORA, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

CASE NO. 2:10-CV-497-FtM-36DNF

COMMUNITY INCLUSION
ENTERPRISES, INC., a Florida Non Profit
Corporation, DONNA TAYLOR,
individually,

Defendants.

AND

DONNA TAYLOR,

Third-Party Plaintiff,

v.

KIMBERLY HAYWARD, COMMUNITY
RESOURCE NETWORK OF FLORIDA,
INC. And COLE M. CARUSO,

Defendants.

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ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation filed by United States Magistrate Judge Douglas Frazier on March 11, 2011 (Dkt. 35), recommending that the Court grant the Second Joint Motion for this Court to Approve the Settlement Agreement

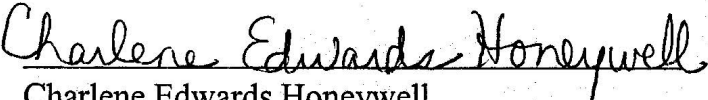
Executed by the Parties and Second Motion for a Final Judgment of Dismissal, With Prejudice (Dkt. 34). The Magistrate also recommends that the Court approve the Settlement Agreement and Full and Final Release of All Claims (Dkt. 34, Ex. A). Finally, the Magistrate recommends that Defendant Community Inclusion Enterprises, Inc. be dismissed from this action. Neither party filed any objections to the Magistrate's Report and Recommendation.

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. 35) is **ADOPTED**, **CONFIRMED**, and **APPROVED** in all respects and is made a part of this order for all purposes, including appellate review.
- 2) The Second Joint Motion for this Court to Approve the Settlement Agreement Executed by the Parties and Second Motion for a Final Judgment of Dismissal, With Prejudice (Dkt. 34) is **GRANTED**. The Settlement Agreement (Dkt. 34, Ex. A) is **APPROVED**, as it is a fair and reasonable resolution of this case. Furthermore, Defendant Community Inclusion Enterprises, Inc. is **DISMISSED** from this action.
- 4) The clerk is directed to terminate any pending motions/deadlines, enter judgment accordingly, dismiss this action with prejudice, and **CLOSE** this case.

DONE AND ORDERED at Ft. Myers, Florida, on March 29, 2011.


Charlene Edwards Honeywell
United States District Judge

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