

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

GAUDENIO GARCIA-CELESTINO, *et al.*,

Plaintiffs,

v.

CASE NO. 2:10-CV-00542-99DNF

RUIZ HARVESTING, INC., *et al.*,

Defendants.

ORDER

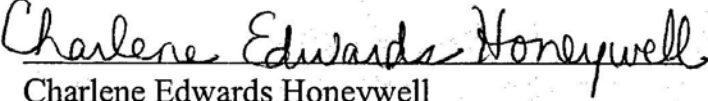
This cause comes before the Court upon the Report and Recommendation of Magistrate Judge Douglas Frazier, filed on August 24, 2012 (Doc. 141). In the Report and Recommendation, the Magistrate Judge recommends that the Court grant the Joint Motion for Approval of Settlement Agreement (Doc. 130), and that the Settlement Agreement, Full and Final Release and Covenant Not to Sue (Doc. 130, Ex. A) be approved. *See* Doc. 141. Neither party has objected to the Report and Recommendation and the time to do so has expired.

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 Plaintiff Francisco Suarez-Galan ("Plaintiff") and Defendants Ruiz Harvesting, Inc., Basiliso Ruiz, and Consolidated Citrus Limited Partnership (collectively, "the Defendants") 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**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 141) 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 Agreement (Doc. 130) is **GRANTED**. The Settlement Agreement, Full and Final Release and Covenant Not to Sue (Doc. 130, Ex. A) is **APPROVED**, as it constitutes a fair and reasonable resolution of a bona fide dispute.
3. Plaintiff Francisco Suarez-Galan's claims against Defendants Ruiz Harvesting, Inc., Basiliso Ruiz, and Consolidated Citrus Limited Partnership are **DISMISSED**, with prejudice.
4. The Clerk is directed to terminate Plaintiff Francisco Suarez-Galan from this case.

DONE AND ORDERED at Ft. Myers, Florida, on October 4, 2012.


Charlene Edwards Honeywell
United States District Judge

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COUNSEL OF RECORD