

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DOUGLAS TINOCO, an individual

Plaintiff,

v.

Case No: 2:14-cv-72-FtM-38DNF

JASMINE W TIC LLC,

Defendant.

ORDER¹

This matter comes before the Court on the Parties' Joint Notice ([Doc. #16](#)) filed on April 17, 2014. This matter was brought pursuant to the Fair Labor Standards Act for recovery of overtime compensation. The Parties indicate Defendant has paid Plaintiff his request in full and without compromise. Accordingly, no review of the settlement is necessary. [Lynn's Food Stores, Inc. v. United States Dep't of Labor](#), 679 F.2d 1350, 1352 (11th Cir. 1982); [King v. My Online Neighborhood, Inc.](#), No. 6:06-cv-435-Orl-22JGG, 2007 WL 737575, at *3 (M.D. Fla. Mar. 7, 2007) ("Where the employer offers the plaintiff full compensation on his FLSA claim, no compromise is involved and judicial approval is not required.") (citation omitted).

Also, [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)](#), allows a plaintiff to dismiss a case without a court order. The Rule reads in pertinent part:

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.

Subject to Rules 23(e), 23.1, 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

- (i) A notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
- (ii) A stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A).

In this instance, the Parties stipulate to dismiss this matter with prejudice. The notice is signed by all parties who have appeared in this matter. Therefore, the case is due to be dismissed with prejudice.

Accordingly, it is now **ORDERED**:

Plaintiff's First Amended Complaint ([Doc. #6](#)) is hereby **DISMISSED with prejudice**. The Clerk of Court is directed to close the case, terminate any pending motions and enter judgment accordingly.

DONE and **ORDERED** in Fort Myers, Florida this 17th day of April, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record