

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GARY THORNTON,

Plaintiff,

v.

Case No: 2:15-cv-47-FtM-38CM

AZURE AT BONITA BAY  
CONDOMINIUM ASSOCIATION,  
INC., a Florida Profit Corporation,

Defendant.

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**ORDER**<sup>1</sup>

This matter is before the Court on Plaintiff Gary Thornton and Defendant Azure at Bonita Bay Condominium Association, Inc.'s Joint Notice to Court Regarding FLSA Settlement ([Doc. #6](#)) and Joint Stipulation for Dismissal With Prejudice ([Doc. #7](#)) filed on February 18, 2015.

Plaintiff brought this action under the Fair Labor Standards Act for recovery of unpaid overtime compensation, liquated damages, and attorneys' fees and costs. ([Doc. #1 at ¶ 26](#)). The parties now inform the Court that Plaintiff's claim against Defendant has been resolved in full without compromise. ([Doc. #6](#)). The Court thus does not need to approve the settlement for fairness. See [Lynn's Food Stores, Inc. v. U.S. Dep't of Labor](#),

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[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)).


Moreover, [Rule 41 of the Federal Rules of Civil Procedure](#) allows a plaintiff to dismiss an action without a court order by "a stipulation of dismissal signed by all parties who have appeared." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(ii\)](#). To that end, the parties dismiss this case with prejudice under [Rule 41\(a\)\(1\)\(A\)\(ii\)](#); and both parties have signed the Stipulation for Dismissal ([Doc. #7](#)). The Court, therefore, dismisses the case with prejudice.

Accordingly, it is now

**ORDERED:**

1. Plaintiff Gary Thornton and Defendant Azure at Bonita Bay Condominium Association, Inc.'s Joint Stipulation for Dismissal With Prejudice ([Doc. #7](#)) is **GRANTED**. The Court **dismisses with prejudice** the Complaint ([Doc. #1](#)).
2. The Clerk of Court is **DIRECTED** to enter judgment accordingly, terminate all pending motions and deadlines, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 20th day of February, 2015.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record