

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANTHONY CIOLLI,

Plaintiff,

v.

Case No: 2:15-cv-276-FtM-38DNF

CROWN BATH CORP.,

Defendant.

ORDER¹

This matter comes before the Court on the Plaintiff, Anthony Ciolli, and the Defendant, Crown Bath Corporation's Joint Dismissal with Prejudice ([Doc. #11](#)) filed on June 26, 2015. [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:

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 Plaintiff informs the Court that the case filed under the Fair Labor Standards Act (FLSA) [29 U.S.C. § 201](#) *et seq.* has been settled and the Parties

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have agreed to the payment of attorney's fees and costs in compliance with [Bonetti v Embargo Mgmt. Co.](#), 715 F. Supp. 2d 1222 (M.D. Fla. 2009).

Generally when a claim under the FLSA is settled, the Court must review the settlement agreement to ensure that it is fair and reasonable. [Lynn's Food Stores, Inc. v. United States](#), 679 F.2d 1350, 1352-1355 (11th Cir. 1982), However, in this instance, Plaintiff represents to the Court that his FLSA claim has been settled in full without compromise. As the parties agree that Plaintiff has obtained full relief under this agreement, there is no compromise to review, therefore, the settlement is *per se* fair and reasonable. [Stevenson v. RBC Bank USA, Inc.](#), 2011 WL 4412155, *2 (M.D. Fla. August 19, 2011). The Court will dismiss the FLSA Complaint with prejudice without the need to review the settlement for fairness.

Accordingly it is hereby

ORDERED:

The Plaintiff, Anthony Ciolli and the Defendant, Crown Bath Corporation's Joint Dismissal with Prejudice ([Doc. #11](#)) is **GRANTED**. The case is hereby **DISMISSED** with prejudice. The Clerk of the 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 1st day of July, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record