

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KELLY DUNCAN,

Plaintiff,

v.

Case No: 2:15-cv-580-FtM-38CM

PINNACLE WEALTH ADVISORS, INC.,

Defendant.

ORDER¹

This matter comes before the Court on Plaintiff Kelly Duncan and Defendant Pinnacle Wealth Advisors, Inc.'s Joint Notice to Court Regarding FLSA Settlement ([Doc. #15](#)) and Joint Stipulation for Dismissal With Prejudice ([Doc. #16](#)) both filed on December 16, 2015.

Plaintiff brought this action under the Fair Labor Standards Act for unpaid overtime and minimum wage. ([Doc. #1](#)). The parties now inform the Court that Plaintiff's claims against Defendant have been resolved in full without compromise. ([Doc. #15](#); [Doc. #16](#)). The Court thus need not review and approve the settlement for fairness. See [Lynn's Food Stores, Inc. v. U.S. 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.

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[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)).

In addition, [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 of Dismissal ([Doc. #16](#)). The Court thus dismisses this case with prejudice.

Accordingly, it is now

ORDERED:

- (1) Plaintiff Kelly Duncan and Defendant Pinnacle Wealth Advisors, Inc.'s Joint Stipulation for Dismissal With Prejudice ([Doc. #16](#)) 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 17th day of December, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record