

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROBERTA MALCOM, on behalf of
herself and on behalf of all others
similarly situated

Plaintiff,

v.

Case No: 2:17-cv-377-FtM-38MRM

MASQUERADE OF SOUTHWEST
FLORIDA, INC.,

Defendant.

_____ /

ORDER¹

This matter comes before the Court on Plaintiff Roberta Malcom and Defendant Masquerade of Southwest Florida, Inc.'s Joint Stipulation for Dismissal with Prejudice. ([Doc. 10](#)). About six weeks ago, Malcom filed a five-count complaint against Masquerade for damages under the Fair Labor Standards Act ("FLSA"), Florida Minimum Wage Act, Internal Revenue Code, and Florida common law. ([Doc. 1](#)). The parties now stipulate to dismissing this case with prejudice and with each side to bear its own attorney's fees and costs.

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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). Here, the parties dismiss this case with prejudice under Rule 41(a)(1)(A)(ii) and have signed the Stipulation for Dismissal. (Doc. 10). The parties also have resolved the FLSA claims (Counts I and II) without compromise (*id.*), meaning the Court 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. 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)). The Court thus dismisses this case with prejudice.

Accordingly, it is now

ORDERED:

- (1) Plaintiff Roberta Malcom and Defendant Masquerade of Southwest Florida, Inc.’s Joint Stipulation for Dismissal with Prejudice (Doc. 10) is **GRANTED**.
- (2) The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 16th day of August, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record