

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

KENNETH D. MORGAN, on his own behalf
and on behalf of those similarly
situated,

Plaintiff,

v.

Case No. 3:07-cv-1082-J-33MCR

FLORIDA ROCK & TANK LINES, INC.,

Defendant.

_____ /

ORDER

This cause comes before the Court pursuant to the Joint Motion for Dismissal with Prejudice (Doc. # 8), filed by the parties on January 17, 2008. The parties request an order dismissing this Fair Labor Standards Act action with prejudice. The plaintiff acknowledges payment in full for all of his claims, including his claim for overtime pay, liquidated damages, and attorney's fees and costs.

Under Lynn's Food Stores, Inc. v. Dep't of Labor, private settlements of FLSA cases are improper. 679 F.2d 1350, 1352-53 (11th Cir. 1982). Instead, a district court may enter a stipulated judgment on the agreement of the parties. Id. at 1353. Before entering a stipulated judgment on such an agreement, a district court must "scrutiniz[e] the settlement for fairness." Id. However, "[w]here a plaintiff is offered full compensation on his

FLSA claim, no compromise is involved and judicial approval is not required." Dail v. George A. Arab, Inc., 391 F. Supp. 2d 1142, 1145 (M.D. Fla. 2005) (citing Mackenzie v. Kindred Hosps., 276 F. Supp. 2d 1211, 1217 (M.D. Fla. 2003)).

In this case, the plaintiff's claims for unpaid overtime and liquidated damages have been resolved without compromise. For that reason, judicial approval of the parties' settlement is not required, and this action may be dismissed pursuant to the parties' joint motion.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

1. The Joint Motion for Dismissal with Prejudice (Doc. # 8) is hereby **GRANTED**.
2. This case is hereby **DISMISSED** with prejudice.
3. The Clerk shall enter judgment accordingly, terminate any previously scheduled deadlines and pending motions, and close the case.

DONE and **ORDERED** in Chambers in Jacksonville, Florida, this 7th day of February 2008.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All counsel of record