

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

KELVIN LOPEZ,

Plaintiff,

-vs-

Case No. 6:07-cv-66-Orl-19GJK

**FLORIDA POOL ENCLOSURES, INC., MIKE
DELAHOZ,**

Defendants.

REPORT AND RECOMMENDATION

TO THE DISTRICT COURT

This cause came on for consideration without oral argument on the following motion:

**MOTION: JOINT MOTION FOR APPROVAL OF SETTLEMENT
(Doc. No. 37)**

FILED: January 31, 2008

THEREON it is RECOMMENDED that the motion be GRANTED.

Plaintiffs and Defendants jointly move the Court to approve their settlement of Plaintiffs' claims pursuant to the Fair Labor Standards Act ("FLSA").

The Court has reviewed the proposed settlement as required by *Lynn's Food Stores, Inc. v. United States, U.S. Dep't of Labor*, 679 F.2d 1350, 1353 (11th Cir. 1982), and finds the settlement is a fair and reasonable resolution of a bona fide dispute. The case involved disputed issues of FLSA coverage, which constitutes a bona fide dispute. Each party was represented by independent counsel, who were obligated

to vigorously represent their client. The Court finds the proposed settlement of payment to Plaintiffs totaling \$24,189.42, and payment of \$15,810.58 to Plaintiffs' counsel in exchange for Plaintiffs' release of claims and dismissal of the action with prejudice to be fair and reasonable.

IT IS RECOMMENDED THAT:

1. The Court grant the motion to approve the settlement only to the extent that it is a fair and reasonable resolution of a bona fide dispute; and

2. The Court dismiss the case with prejudice and direct the Clerk to close the case.

Failure to file written objections to the proposed findings and recommendations contained in this report within ten (10) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

Recommended in Orlando, Florida on February 1, 2008.



GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
The Honorable Patricia C. Fawsett