

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

BONNIE J. KULPAK,

Plaintiff,

v.

CASE NO. 6:11-CV-1324-Orl-36KRS

BCD TRAVEL USA, LLC.,

Defendant.

ORDER

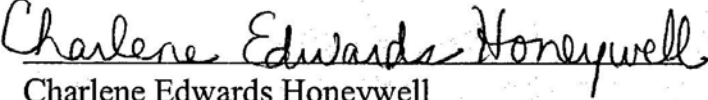
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Karla J. Spaulding, on February 22, 2012 (Doc. 22). In the Report and Recommendation, Judge Spaulding recommends that the Court deny the Joint Motion for Approval of Settlement and Dismissal with Prejudice (“Joint Motion for Approval of Settlement”) (Doc. 21). The Court is in agreement with the Magistrate Judge that the sweeping release renders the settlement unfair and incapable of valuation. The claims that Plaintiff Bonnie J. Kulpak (“Plaintiff”) does not know to exist, including claims against individuals or entities who in the future may be included in the group of Releasees, are incapable of valuation. Thus, under the circumstances, the Court is unable to find that the settlement is a fair and reasonable resolution of Plaintiff’s FLSA claim.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 22) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. The Joint Motion to Approve Settlement (Doc. 21) is **DENIED**.

3. The parties shall have thirty (30) days from the date of this Order to submit a revised settlement agreement and motion for a fairness finding. The Court notes that the parties have filed a Motion for Approval of An Amended Settlement (Doc. 23).

DONE AND ORDERED at Orlando, Florida on March 8, 2012.


Charlene Edwards Honeywell
United States District Judge

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COUNSEL OF RECORD