

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

KATOYA RAYNON,

Plaintiff,

v.

Case No. 6:14-cv-1112-Orl-37TBS

RHA/FERN PARK MR., INC.; and
FERN PARK, INC.,

Defendants.

ORDER

This cause is before the Court on the following:

1. Joint Motion for Approval of FLSA Settlement and Incorporated Memorandum of Law (Doc. 20), filed September 29, 2014;
2. Supplement to Joint Motion for Approval of FLSA Settlement and Incorporated Memorandum of Law (Doc. 22), filed October 13, 2014;
3. Second Supplement to Joint Motion for Approval of FLSA Settlement (Doc. 25), filed October 15, 2014;
4. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 26), filed October 21, 2014; and
5. Joint Notice of No Objection to Magistrate Judge Smith's Report and Recommendation (Doc. 27), filed October 24, 2014.

The parties to this Fair Labor Standards Act ("FLSA") action jointly moved for approval of their Settlement Agreement and Release of Claims ("Agreement"). (Doc. 20; *see also* Doc. 25, pp. 4–14.) In a well-reasoned Report and Recommendation ("R&R"), Magistrate Judge Smith recommends approving the Agreement with the exception that

the Court sever and delete the jury trial waiver provision in accordance with the severability clause of the Agreement. (Doc. 26, pp. 5–6.) The parties jointly filed a notice of no objection to the R&R. (Doc. 27.)

Upon consideration, the Court finds that the R&R is due to be adopted and confirmed and made a part of this Order. The parties' joint motion for approval of the Agreement is therefore due to be granted with the exception that the jury waiver provision set forth in Paragraph 7 of the Agreement will be severed and deleted in accordance with Paragraph 8 of the Agreement. (Doc. 25, p. 10.)

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

1. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 26) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Joint Motion for Approval of FLSA Settlement (Doc. 20) as supplemented (Docs. 22, 25) is **GRANTED IN PART** as described in this Order.
3. Paragraph 7 of the Settlement Agreement and Release of Claims (Doc. 25, p. 10) is **SEVERED and DELETED**, and the remainder of the Settlement Agreement and Release of Claims (Doc. 25, pp. 4–14) is **APPROVED**.
4. This action is **DISMISSED** with prejudice.
5. The Clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 27, 2014.



ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record