

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

BARRY THOMPSON; ROGER
MORERA; and GREGORY RAYMOND,
individually and on behalf of others
similarly situated,

Plaintiffs,

v.

Case No. 6:14-cv-1592-Orl-37DAB

DEALERSHIP MANAGEMENT
SERVICES, INC.; TT OF BREVARD,
INC. d/b/a TOYOTA OF MELBOURNE;
and TT OF MELBOURNE, INC. d/b/a
LEXUS OF MELBOURNE,

Defendants.

ORDER

This cause is before the Court on the Plaintiffs' Motion to Dismiss and Incorporated Memorandum of Law (Doc. 60), filed May 4, 2015. Defendants do not oppose the Motion.

Plaintiffs Barry Thompson, Roger Morera, and Gregory Raymond request that the Court dismiss this action **with prejudice** pursuant to Federal Rule of Civil Procedure 41(a)(2). (Doc. 60.) Plaintiffs affirmatively represent that they "do not seek approval" of their settlement with Defendants because "Plaintiffs did not compromise their claims." (*Id.* at 2.) According to Plaintiffs: (1) Defendants tendered unpaid overtime wages and liquidated damages "in amounts in excess of what the Plaintiffs could have recovered had they proceeded to trial;" (2) Plaintiffs' attorneys' fees and costs were negotiated separately and had no effect on Plaintiffs' recovery; and (3) no "side deals" were made. (*Id.* at 2.) Finally, Plaintiffs represent that they are recovering everything to which they are

entitled under the Fair Labor Standards Act at the time they settled with Defendants. (*Id.*)

Based on the foregoing, the Court finds that the Motion is due to be granted; however, the Court expressly notes that the parties' settlement agreement was **not** reviewed for fairness in accordance with *Lynn's Food Stores, Inc. v. U.S. ex rel. U.S. Dep't of Labor*, 679 F.2d 1350 (11th Cir. 1982). With that caveat, it is hereby **ORDERED**

AND ADJUDGED that:

1. Plaintiffs' Motion to Dismiss and Incorporated Memorandum of Law (Doc. 60) is **GRANTED**.
2. Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs' claims against the Defendants are **DISMISSED WITH PREJUDICE**.
3. The Clerk of the Court is **DIRECTED** to terminate all deadlines and pending motions and **CLOSE** this case.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 7, 2015.



ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record

