

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

NOAH JEMLEY,

Plaintiff,

v.

Case No: 6:15-cv-801-Orl-41TBS

UMBWA, INC.,

Defendant.

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**ORDER**

THIS CAUSE is before the Court on the Joint Motion to Approve Settlement Agreement and to Dismiss with Prejudice (Doc. 49). United States Magistrate Judge Thomas B. Smith issued a Report and Recommendation (Doc. 50), recommending that the motion be granted but that a portion of the Release of FLSA Claims be stricken.

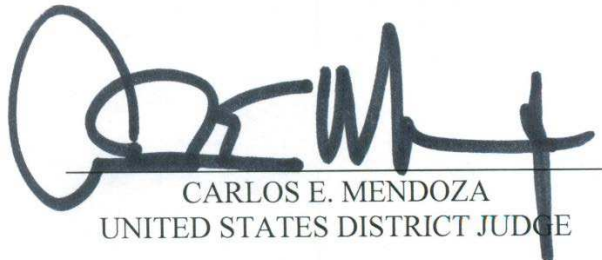
After a *de novo* review, and noting that no objections were timely filed, the Court agrees with the analysis in the Report and Recommendation. In addition, this Court notes that to the extent that the Settlement Agreement purports to allow the parties to subsequently modify the Agreement, (*see* Doc. 49-1 ¶ 9), that language will be stricken. Pursuant to *Lynn's Food Stores, Inc. v. United States*, any future modifications to the Settlement Agreement are unenforceable absent judicial approval. 679 F.2d 1350, 1355 (11th Cir. 1982).

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 50) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The portion of the Release of FLSA Claims that purports to release Defendant's parents, subsidiaries and affiliates, officers, shareholders, attorneys, agents, and insurers, and Groom Grub & Belly Rub (Doc. 49-1 ¶ 5) is **STRICKEN**.
3. To the extent the modification provision (Doc. 49-1 ¶ 9) purports to allow the Settlement Agreement to be modified without Court approval, it is also **STRICKEN**.
4. The Joint Motion to Approve Settlement Agreement and to Dismiss with Prejudice (Doc. 49) is **GRANTED** as set forth in this Order; the Settlement Agreement, as amended by this Court, is **APPROVED**; and this case is **DISMISSED with prejudice**.
5. The Clerk is directed to close this case.

**DONE** and **ORDERED** in Orlando, Florida on August 30, 2017.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record