

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

ALEXANDRE BARROSO,

Plaintiff,

v.

Case No. 6:16-cv-69-Orl-37DAB

GILSON'S INTERNATIONAL CUISINE,
INC.; and GILSON RODRIGUES,

Defendants.

ORDER

This cause is before the Court on the following:

1. The Parties' Joint Motion for Approval of Settlement and Incorporated Memorandum of Law (Doc. 14), filed March 28, 2016.
2. U.S. Magistrate Judge David A. Baker's Report and Recommendation (Doc. 17), filed April 26, 2016.
3. The Parties' Joint Notice of Non-Objection to Report and Recommendation (Doc. 18), filed April 28, 2016.

Pursuant to the Fair Labor Standards Act ("**FLSA**"), Plaintiff initiated the instant action against his former employers for unpaid overtime compensation. (See Doc. 1.) On March 2, 2016, Defendants notified the Court that the parties had reached a settlement. (Doc. 12.) The parties now jointly move for approval of their settlement agreement ("**Agreement**"). (Doc. 14 ("**Motion**").) The Motion was referred to U.S. Magistrate Judge David. A. Baker for a report and recommendation.

In actions brought directly by current and former employees against their employers for unpaid wages under the FLSA, district courts must scrutinize any settlement “for fairness” before entering a stipulated judgment. See *Nall v. Mal-Motels, Inc.*, 723 F.3d 1304, 1306–07 (11th Cir. 2013); see also *Wolff v. Royal Am. Mgmt., Inc.*, 545 F. App’x 791, 793 (11th Cir. 2013). Specifically, the Court must determine that any settlement “is a fair and reasonable resolution of a bona fide dispute over FLSA provisions.” *Lynn’s Food Stores, Inc. v. U.S. ex rel. U.S. Dep’t of Labor*, 679 F.2d 1350, 1355 (11th Cir. 1982).

Upon review of the Motion, Agreement, and documentation of attorney’s fees, Magistrate Judge Baker recommends that the Court accept the Agreement as a fair and reasonable resolution of a bona fide dispute over FLSA issues. (Doc. 17 (“**R&R**”).) The parties do not object to the R&R, and they request that the Court adopt the R&R, grant the Motion, and dismiss the case with prejudice. (Doc. 18.)

Having independently reviewed the R&R for fairness, and in the absence of any objection, this Court agrees with Magistrate Judge Baker and adopts the R&R in its entirety. See 28 U.S.C. § 636(b)(1) (suggesting that a de novo review is only required when a party objects to the proposed findings and recommendations).

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

1. U.S. Magistrate Judge David A. Baker’s Report and Recommendation (Doc. 17) is **ADOPTED AND CONFIRMED** and made a part of this Order.
2. The Parties’ Joint Motion for Approval of Settlement and Incorporated Memorandum of Law (Doc. 14) is **GRANTED**.
3. The Settlement Agreement and Release of FLSA Claims (Doc. 14-1) is

APPROVED.

4. The Court declines to retain jurisdiction to enforce the terms of the Settlement Agreement (Doc 14-1).
5. The case is **DISMISSED WITH PREJUDICE**.
6. The Clerk is **DIRECTED** to close the case.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 29, 2016.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record