

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**BILLY JOE JOHNSON,**

**Plaintiff,**

v.

**Case No: 6:17-cv-414-Orl-41TBS**

**KAUFFMAN TIRE, INC.,**

**Defendant.**

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**ORDER**

THIS CAUSE is before the Court on the parties' Joint Motion for Approval of Amended Unpaid Wages Settlement Agreement and Dismissal of Action with Prejudice ("Motion," Doc. 22). United States Magistrate Judge Thomas B. Smith issued an Amended Report and Recommendation (Doc. 23), in which he recommends that the Motion be granted. The parties subsequently filed a Joint Notice of Non-Objection (Doc. 24).

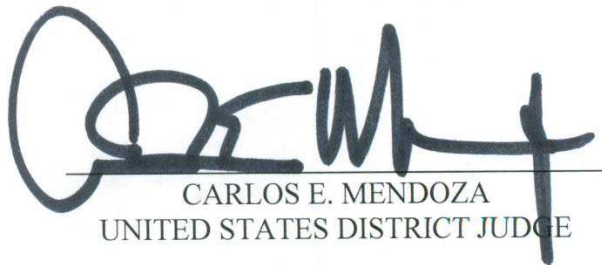
After a *de novo* review of the record, this Court agrees entirely with the analysis set forth in the Amended Report and Recommendation. Additionally, this Court notes that to the extent the Amended Settlement Agreement purports to allow the parties to subsequently modify the Agreement, (*see* Am. Settlement Agreement, Doc. 22-1, ¶ 11), that language will be stricken. Pursuant to *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982), any future modifications to the Settlement Agreement are unenforceable absent judicial approval.

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

1. The Amended Report and Recommendation (Doc. 23) is **ADOPTED** and **CONFIRMED** as set forth herein.

2. To the extent the amendments provision (Doc. 22-1, ¶ 11) purports to allow the Amended Settlement Agreement to be modified without Court approval, it is **STRICKEN**.
3. The parties' Joint Motion for Approval of Amended Unpaid Wages Settlement Agreement and Dismissal of Action with Prejudice (Doc. 22) is **GRANTED**; the Amended Settlement Agreement, as amended by this Court, is **APPROVED**; and this case is **DISMISSED with prejudice**.
4. The Joint Motion for Approval of Unpaid Wages Settlement and Dismissal of Action with Prejudice (Doc. 20) is **DENIED as moot**. The Clerk is directed to terminate the Motion and the corresponding Report and Recommendation (Doc. 21).
5. The Clerk is further directed to close this case.

**DONE and ORDERED** in Orlando, Florida on September 22, 2017.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record