

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

CATHLEEN PLAZAS,

Plaintiff,

v.

Case No. 6:18-cv-392-Orl-37TBS

DR. PHILLIPS CENTER FOR THE  
PERFORMING ARTS, INC.,

Defendant.

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**ORDER**

Plaintiff initiated this action against her former employer alleging that it failed to compensate her for overtime hours worked in violation of the Fair Labor Standards Act (“FLSA”). (See Doc. 1.) Before the Court now is the parties’ second renewed and amended motion for approval of the FLSA settlement (Doc. 14 (“**Second Amended Motion**”) and second amended FLSA settlement agreement (Doc. 14-1 (“**Agreement**”)), under *Lynn’s Food Stores, Inc. v. United States ex rel. United States Department of Labor*, 679 F.2d 1350, 1355 (11th Cir. 1982). Under the terms of the Agreement, Defendant will pay Plaintiff a total of \$7,250.00—\$3,901.00 in settlement of claims (“**Payment**”) and liquidated damages, and \$3,349.00 to counsel (“**Attorney Fees**”). (Doc. 14, p. 4; Doc. 14-1, pp. 3-4.) The parties ask the Court to approve the Agreement and dismiss this action with prejudice. (Doc. 14, p. 5.)

On referral, U.S. Magistrate Judge Thomas B. Smith concludes that both the Payment and Attorney Fees are fair and reasonable. (Doc. 16 (“**Second R&R**”).) He also

finds that the terms of the Agreement do not affect the reasonableness of the settlement. (*Id.* at 4-5.) With this, he recommends approving the Second Amended Motion and dismissing this action with prejudice. (*Id.* at 5.)


No party objected to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Court concludes that the R&R is due to be adopted in its entirety.

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

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 16) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The parties' Joint Second Renewed Motion for Approval of Amended FLSA Settlement (Doc. 14) is **GRANTED**.
3. The parties' Second Amended Settlement Agreement (Doc. 14-1.) 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 July 16, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record