

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

YOLANDA TURNER,

Plaintiff,

v.

Case No. 6:21-cv-161-CEM-DAB

**ROSEN HOTELS AND RESORTS,
INC.,**

Defendant.

_____ /

ORDER

THIS CAUSE is before the Court on the Joint Motion for Order Preliminarily Approving Settlement Agreement (Doc. 42). The United States Magistrate Judge issued a Report and Recommendation (Doc. 46), recommending that the Motion be granted in part and deferred in part.

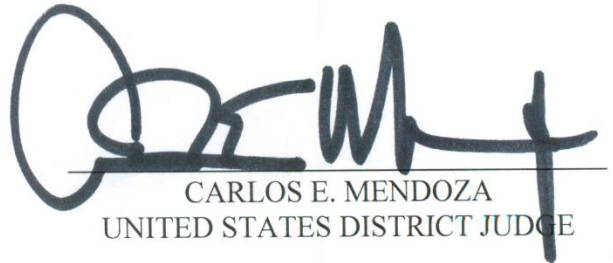
After review in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72, and noting that the parties filed a Joint Notice of Non-Objection (Doc. 47), the Magistrate Judge's recommended disposition is accepted. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 46) is **ADOPTED** and made a part of this Order.

2. The Joint Motion for Order Preliminarily Approving Settlement Agreement (Doc. 42) is **GRANTED in part and DEFERRED in part**.
3. Insofar as the Motion seeks approval of a service award to Plaintiff, ruling is **DEFERRED** pending a decision on the petition for rehearing *en banc* in *Johnson v. NPAS Solutions, LLC*, 975 F.3d 1244, 1260 (11th Cir. 2020). Plaintiff shall notify the Court within fourteen days of an issuance of that ruling and the funds shall remain in escrow until further order of this Court.
4. The Settlement Agreement (Doc. 43-1) is **PRELIMINARILY APPROVED**.
5. The Notice set forth in the Settlement Agreement and the exhibits thereto are **APPROVED**.
6. The Parties shall adhere to the deadlines set forth in the Settlement Agreement.
7. The Settlement Class is **PROVISIONALLY CERTIFIED**. Class members may opt-out or object to the Settlement Agreement pursuant to the procedures and deadlines set forth in the Settlement Agreement (Doc. 43-1 ¶¶ 8–9).

8. The law firms of Lankenau & Miller, LLP, The Gardner Firm, P.C. and Wenzel Fenton & Cabassa, P.A. are designated as class counsel.
9. A final settlement approval hearing is set for **Wednesday, October 5, 2022, at 9:30 AM in Courtroom 5B.**
10. Class Counsel shall file a motion for attorney's fees and costs no later than fourteen days before the objection deadline for class members.
11. All deadlines other than those related to the Settlement remain **STAYED.**

DONE and ORDERED in Orlando, Florida on August 2, 2022.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record