

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IVERY WILSON,

Plaintiff,

v.

CASE NO.: 8:09-cv-755-T-23TBM

HFH, Inc.,

Defendant.

ORDER

The plaintiff Ivery Wilson and opt-in plaintiffs (Cindy Baker, Andre Booker, Reginald Fields, Morris Jennings, Anthony McDaniel, Jimmy Nicholas, Gabriel Pizzini-Velez, Carol Smith, Charles Starr, Marsalis Vann, David Williams, Richard Wood, and Gerald Yankovich) sue (Doc. 1) under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (the “FLSA”), to recover overtime compensation. The parties move (Doc. 47) for approval of the proposed settlement. See Lynn’s Food Stores, Inc. v. United States, 679 F.2d 1350 (11th Cir. 1982); Dees v. Hydradry, Inc., ___ F. Supp. 2d ___, 2010 WL 1539813 (M.D. Fla. Apr. 19, 2010).

The parties state that (a) the settlement compensates the plaintiffs for unpaid wages, attorneys’ fees, and costs; (b) the attached agreement includes every term and condition of the parties’ settlement; and (c) the settlement resolves a bona fide dispute over both the numbers of overtime hours worked by each plaintiff and the applicability of an exemption under the Motor Carrier Act. The settlement agreement (Docs. 40-1, 47-1) provides that the defendant will pay the plaintiffs \$57,000.00 in overtime wages, consisting of \$3,000.00 to Baker; \$1,000.00 to Booker; \$3,000.00 to Fields; \$6,300.00 to Jennings; \$7,200.00 to McDaniel; \$4,250.00 to Nicholas; \$3,940.00 to Velez-Pizzini;

\$2,630.00 to Smith; \$5,700.00 to Starr; \$5,450.00 to Vann; \$7,500.00 to Wilson; \$3,280.00 to Wood; and \$2,750.00 to Yankovich. The parties negotiated separately and without regard to the amount paid to each plaintiff a \$24,500.00 payment for attorneys' fees and costs. See Bonetti v. Embarq Mgmt. Co., __ F. Supp. 2d __, 2009 WL 2371407 (M.D. Fla. Aug. 4, 2009). The parties executed an addendum (Doc. 47-1) to the settlement agreement (Doc. 40-1), which addendum replaces the pervasive release with a wage and hour release. See Moreno v. Regions Bank, __ F. Supp. 2d __, No. 8:09-cv-930-T-23TGW (M.D. Fla. Aug. 6, 2010) (order denying motion for approval of FLSA settlement).

Accordingly, the parties' motion (Doc. 47) for approval of the settlement agreement is **GRANTED**, and the settlement agreement (Docs. 40-1, 47-1) is **APPROVED**. The motion (Doc. 22) to authorize notice and the motion (Doc. 32) for leave to reply are **DENIED AS MOOT**. This action is **DISMISSED WITH PREJUDICE**, and the Clerk is directed to (1) terminate any pending motion and (2) close the case.

ORDERED in Tampa, Florida, on September 13, 2010.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE