

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO. 8:12-cv-01875-MOODY/PORCELLI

VICKY SARAZEN,

Plaintiff,

v.

BURGER KING CORPORATION,

Defendant.

ORDER OF DISMISSAL WITH PREJUDICE

THIS CAUSE came before the Court on the Parties' Joint Motion for Approval of Settlement Agreement and to Dismiss the Complaint with Prejudice. Plaintiff filed this action against Defendant to recover unpaid overtime compensation pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA"). The Parties now advise the Court that they have settled all claims in this action, and move for approval of their Confidential Settlement Agreement and dismissal of all claims with prejudice.

When a private action is brought under the FLSA and subsequently settled, the Court "may enter a stipulated judgment after scrutinizing the settlement for fairness." See Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1353 (11th Cir. 1982). In scrutinizing the settlement for fairness, the Court must determine whether the settlement is a "fair and reasonable resolution of a bona fide dispute over FLSA provisions." Id. at 1355. While the provisions of the Act are mandatory, there may be a bona fide dispute as to FLSA coverage and therefore a Court may approve a settlement to "promote the policy of encouraging settlement of litigation." Id. at 1354. Where, as here, the Settlement Agreement was entered into in an adversarial context

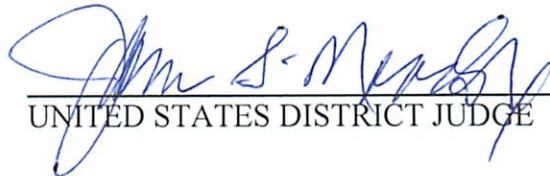
where both sides were represented by counsel throughout the litigation, it is “more likely to reflect a reasonable compromise over issues[.]” Id. at 1354.

Upon review of the Parties’ Confidential Settlement Agreement, the Court finds that the settlement is fair and a reasonable resolution of the dispute.

Accordingly, it is hereby

ORDERED and ADJUDGED that this case is **DISMISSED WITH PREJUDICE**, with each of the parties to bear her/its own attorneys’ fees and costs. The Court retains jurisdiction of this matter for thirty (30) days solely to enforce the terms of the Confidential Settlement Agreement.

DONE AND ORDERED in Tampa, Florida on this 4 day of February, 2013.


UNITED STATES DISTRICT JUDGE

Copies furnished to:

Sheila M. Cesarano, Esq.
Todd W. Shulby, Esq.