

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO . 09-60429-CIV-O'SULLIVAN

[CONSENT]

RAUL RODRIGUEZ, ENRIQUE
CABRERA-VILLALOBAS, and
CARLOS TREJO, individually and
on behalf of all other persons similarly
situated,

Plaintiffs,

vs.

THERMAL INSULATION, INC.,

Defendant.

ORDER APPROVING SETTLEMENT AGREEMENT AND CLOSING CASE

THIS MATTER came before the Court sua sponte following notice from the parties that the case has settled and the Court having conducted a hearing concerning the settlement.

THE COURT has heard from counsel and considered the terms of the Settlement Agreement, the pertinent portions of the record, and is otherwise fully advised in the premises.

This case involves a claim for unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §201, et seq ("FLSA"). In reviewing a settlement of an FLSA private claim, a court must "scrutiniz[e] the settlement for fairness," and determine that the settlement is a "fair and reasonable resolution of a bona fide dispute over FLSA provisions." Lynn Food Stores v. United States, 679 F.2d 1350, 1352-53

(11th Cir. 1982). A settlement entered into in an adversarial context where both sides are represented by counsel throughout litigation "is more likely to reflect a reasonable compromise of disputed issues." Id. The district court may approve the settlement in order to promote the policy of encouraging settlement of litigation. Id. at 1354.

In this case, there is a bona fide factual dispute over the amount of money owed. The Court finds that the compromise reached by the parties under the terms of the Settlement Agreement is a fair and reasonable resolution of the parties' bona fide disputes. Accordingly, it is

ORDERED AND ADJUDGED that the parties' Settlement Agreement is hereby **APPROVED**. It is further

ORDERED AND ADJUDGED that the this case is **DISMISSED WITH PREJUDICE**.

The Clerk of Court is directed to mark this case as **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida this 8th day of May, 2009.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies provided to:

All counsel of record