

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO . 10-60105-CIV-SEITZ/O'SULLIVAN

PHYLLIS PASTORE,

Plaintiff,

vs.

BROWARD COUNTY and
ROSE MARIE SEEKAMP,
individually,

Defendants.

**ORDER APPROVING SETTLEMENT AGREEMENT AND
RECOMMENDING THAT THE CASE BE DISMISSED WITH PREJUDICE**

THIS MATTER came before the Court following a settlement conference before the undersigned 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, the plaintiff, PHYLLIS PASTORE,¹ is being compensated in full for the amount of overtime worked and liquidated damages. The Court has reviewed the terms of the Settlement Agreement including the amount to be received by the plaintiff and the attorney's fees and costs to be received by counsel and finds that the settlement reached by the parties is a fair and reasonable resolution of the case.

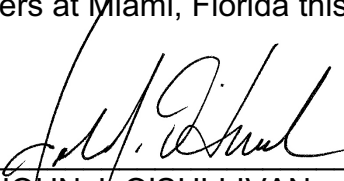
Accordingly, it is

ORDERED AND ADJUDGED that the parties' Settlement Agreement (including attorney's fees and costs) is hereby APPROVED subject to the approval of the settlement by the Broward County Board of Commissioners. It is further

ORDERED AND ADJUDGED that on or before **Tuesday, May 4, 2010**, the defendants shall file a notice with Court advising whether the Broward County Board of Commissioners has approved the settlement with Ms. Pastore. It is further

RECOMMENDED that, after the defendants have provided the Court with notice concerning the approval of the settlement by the Broward County Board of Commissioners, this case be dismissed with prejudice as to the claims of PHYLLIS PASTORE and that the Court **retain jurisdiction for thirty days after the dismissal of this case** to enforce the terms of the settlement.

DONE AND ORDERED in Chambers at Miami, Florida this **12th** day of April, 2010.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies provided to:
United States District Judge Seitz
All counsel of record

¹ The case did not settle as to the remaining plaintiffs.