

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No. 10-61891-CIV-O'SULLIVAN  
[CONSENT]

DAVID R. DRISCOLL, on his own  
behalf, and others similarly situated,

Plaintiff,

v.

EL-AD POINCIANA CONDOMINIUM  
ASSOCIATION,

Defendant.

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**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"), among others. 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).

In this case, there is a bona fide legal dispute over whether the plaintiff is covered by the FLSA and a bona fide factual dispute over the number of overtime hours worked by the plaintiff. 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 compromise reached by the parties is a fair and reasonable resolution of the parties' bona fide disputes. Accordingly, it is

**ORDERED AND ADJUDGED** that the parties' Settlement Agreement (including attorney's fees and costs) is hereby APPROVED and the case is DISMISSED with prejudice. The Court shall retain jurisdiction until August 8, 2011 to enforce the terms of the settlement.

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

DONE AND ORDERED in Chambers at Miami, Florida this **6th** day of June, 2011.

  
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JOHN J. O'SULLIVAN  
UNITED STATES MAGISTRATE JUDGE

Copies to: All counsel of record