

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO . 07-22408-CIV-GRAHAM/O'SULLIVAN

CURTISS GOLATT and
TERANCE ACOFF,

PlaintiffS,

vs.

LIABILITY SOULUTIONS, INC.,
a Florida for-profit corporation and
PETER TANSEY III,

Defendants.

ORDER APPROVING SETTLEMENT AGREEMENT

THIS MATTER came before the Court sua sponte 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 is an action for unpaid wages and 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 dispute over FLSA provisions, as evidenced by the claims alleged in the complaint. 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.**

DONE AND ORDERED in Chambers at Miami, Florida this **4th** day of February, 2008.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies provided to:

United States District Judge Graham
All counsel of record

Copy mailed by Chambers to:

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