

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO . 08-22884-CIV-SEITZ/O'SULLIVAN

SILVIA CUBIDES,
ANGELA MARIA GUERRA,
GABRIELA BENAVIDES and
LILIANA ROBLEDO,

Plaintiffs,

vs.

NIAGARA CLEANING SERVICES, INC.,

Defendant.

**ORDER APPROVING THE ACCEPTANCE OF JUDGMENTS AND
RECOMMENDING THAT A FINAL JUDGMENT BE ENTERED AS TO EACH
PLAINTIFF**

THIS MATTER came before the Court following notice that the parties had reached a settlement and the Court having conducted a hearing concerning the settlement.

THE COURT has heard from counsel and considered the terms of the acceptance of judgments, 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 dispute over FLSA provisions, as evidenced by the claims alleged and defenses alleged in the pleadings. The Court has reviewed each acceptance of judgment including the amount to be received by each plaintiff 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 amount to be received by each plaintiff is hereby APPROVED. It is further

RECOMMENDED that the Court enter a final judgment as to each plaintiff. It is further

ORDERED AND ADJUDGED that a settlement conference on the attorney's fees and costs to be received by counsel is set before the undersigned on **Tuesday, February 17, 2009, at 1:30 p.m.**, at the C. Clyde Atkins United States Courthouse, 301 North Miami Avenue, 5th Floor, Miami, Florida 33128. Request for continuance of this cause shall not be considered unless addressed to this Court in the form of a written motion.

DONE AND ORDERED in Chambers at Miami, Florida this **29th** day of January, 2009.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

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