

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 SETTLEMENT OF ATTORNEY'S FEES AND COSTS

THIS MATTER came before the Court following notice that the parties reached a settlement on attorney's fees and costs and the Court having conducted a hearing concerning the fairness of the fees and costs settlement.

THE COURT has heard from counsel and considered the amount of fees and costs to be received by plaintiffs' counsel, the pertinent portions of the record, and is otherwise fully advised in the premises.

This case involved a claim for unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §201, et seq ("FLSA"). The plaintiffs accepted the defendants' offers of judgment. On January 29, 2009, the undersigned held a fairness hearing concerning the settlement of the plaintiffs' claims. See Order Approving the Acceptance of Judgments and Recommending That a Final Judgment Be Entered as to Each Plaintiff (DE# 42, 1/29/09). The undersigned recommended that final judgment be entered as to each plaintiff and set a settlement conference on the issue of attorney's fees and costs to be received by counsel. Id. On January 30, 2009, the Court approved

the undersigned findings and dismissed the case with prejudice. See Order Adopting Findings of Magistrate Judge and Closing Case (DE# 43, 2/2/09). The Court entered a final judgment in favor the plaintiffs and against the defendants on the plaintiffs' FLSA claims. See Final Judgment (DE# 44, 2/2/09).

The parties have resolved the attorney's fee issue. See Notice of Settlement on Issue of Attorney's Fees (DE# 45, 2/13/09). On February 20, 2009, the undersigned held a fairness hearing on the reasonableness of those fees and costs.

[The] FLSA requires judicial review of the reasonableness of counsel's legal fees to assure both that counsel is compensated adequately and that no conflict of interest taints the amount the wronged employee recovers under a settlement agreement. . . . The district court has a duty to review the compromise of [the plaintiff's] FLSA claim and to award a reasonable attorney's fee to [plaintiff's] counsel.

Silva v. Miller, No. 08-12011, 2009 WL 73164, * 2 - 3 (11th Cir. Jan. 13, 2009). In this case, the Court has reviewed the amount of fees and costs to be received by the plaintiffs' counsel and finds that the compromise reached by the parties is a fair and reasonable amount. Accordingly, it is

ORDERED AND ADJUDGED that the amount of fees and costs to be received by the plaintiffs' counsel is hereby APPROVED.

DONE AND ORDERED in Chambers at Miami, Florida this **20th** day of February, 2009.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

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