

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 10-20386-CIV-AMS
CONSENT CASE

FRANCISCO JOEL LOPEZ LOPEZ, et al.,

Plaintiffs,

v.

K.C. KNOTTS CONSTRUCTORS, INC., et al.,

Defendants.

ORDER APPROVING SETTLEMENT AGREEMENT

THIS MATTER came before the Court upon the parties' notification, on March 30, 2011, that this matter had settled. Thereafter, the Court held a hearing to confirm the terms of the Settlement Agreement and to determine whether the settlement reached by the parties was fair and reasonable. Based thereon,

THE COURT has considered the terms of the Settlement Agreement and the pertinent portions of the record, and is otherwise fully advised in the premises.

This case involves claims for overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §§ 201 to 219 ("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. U.S.*, 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 settlements 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 Amended Complaint filed by Plaintiffs and the Amended Answer

filed by Defendants. The Court finds that the compromise reached by the parties under 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**. The trial, previously set to commence April 11, 2011, is canceled, and all pending motions are denied as moot. It is further

ORDERED AND ADJUDGED that the parties shall file the Settlement Agreement under seal with the Court within 14 days of this Order, at which time the Court will issue a Final Order of Dismissal, and retain jurisdiction to enforce the terms of the Settlement Agreement. If the Settlement Agreement is not timely filed, this matter will be dismissed without prejudice.

DONE AND ORDERED in chambers in Miami, Florida, on March 30, 2011.



ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE

Copies provided to:
All counsel of record via CM/ECF