

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No. 10-20417-CIV-O'SULLIVAN  
[CONSENT]

RAMON ARZA,  
and others similarly situated,  
Plaintiffs,

v.

JSM BACKHOE SERVICES, INC., a Florida  
corporation, and JOSE SANTAMARIA,  
Defendants.

\_\_\_\_\_ /

**ORDER APPROVING SETTLEMENT AGREEMENT**

THIS MATTER came before the Court following notice that the parties have reached a 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.

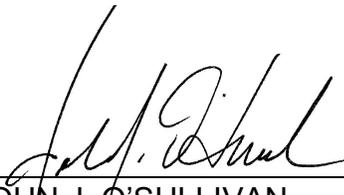
This case involves a claim for unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §201, et seq ("FLSA"). In reviewing a settlement of an FLSA private claim, a court must "scrutiniz[e] the settlement for fairness," and determine that the settlement is a "fair and reasonable resolution 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 factual dispute over the number of hours worked by the plaintiff and the defendant is facing financial uncertainty. 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. It is further

**ORDERED AND ADJUDGED** that the parties shall submit an agreed proposed consent judgment no later than **Friday, December 10, 2010**.

**DONE AND ORDERED**, in Chambers, at Miami, Florida this 8th day of December, 2010.

  
\_\_\_\_\_  
JOHN J. O'SULLIVAN  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
All counsel of record