

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-21446-CIV-HUCK/O'SULLIVAN

MARCELINO BONILLA-VILLATORO,

Plaintiff,

vs.

TROPICAL LANDSCAPE & LAWN
SERVICE, INC., KEY COLONY NO. 4
CONDOMINIUM d/b/a BOTANICA, &
JOSE DEL RIO,Defendants.

**ORDER APPROVING SETTLEMENT AGREEMENT AND
RECOMMENDING THAT THE CASE BE DISMISSED WITH PREJUDICE**

THIS MATTER came before the Court following a settlement conference before the undersigned and the Court having conducted a hearing concerning the settlement.

THE COURT has heard from counsel¹ 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

¹ Defendant Jose Del Rio appeared pro se.

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.

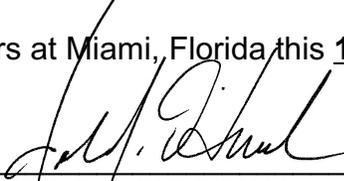
Here, there is a bona fide dispute over the number of hours worked by the plaintiff and whether defendant Key Colony No. 4 Condominium is legally responsible as an employer in this case. The Court has reviewed the terms of the Settlement Agreement including the amount to be received by the plaintiff 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

RECOMMENDED that this case be dismissed with prejudice² and that the Court **retain jurisdiction until Thursday, August 26, 2010** to enforce the terms of the settlement. **The parties consent to magistrate judge jurisdiction in this case.**

DONE AND ORDERED in Chambers at Miami, Florida this **12th** day of July, 2010.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

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

Copies mailed by Chambers to:
Jose Del Rio, pro se
18881 SW 29 Court
Miramar, FL 33029

² The parties agree to the dismissal of this case as to all defendants.