

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 10-23696-CIV-SEITZ/O'SULLIVAN

RAUL ESTRADA, *et al.*,

Plaintiffs,

vs.

ALEXIM TRADING CORP.,

Defendant

**ORDER ADOPTING FINDINGS OF MAGISTRATE JUDGE,
DISMISSING CASE WITH PREJUDICE AS TO PLAINTIFFS ESTRADA, FERRERO
AND RAMIREZ, AND REMANDING COUNT I**

THIS MATTER is before the Court upon the Order Approving Settlement Agreement and Recommending that Certain Claims Be Dismissed With Prejudice [DE-22] entered by Magistrate Judge O'Sullivan. On December 7, 2010, Magistrate Judge O'Sullivan conducted a fairness hearing on the parties' settlement of this Fair Labor Standards Action as to Plaintiffs Estrada, Ferrero, and Ramirez¹ and determined that the compromise reached by the parties, including attorneys' fees and costs, was a "fair and reasonable" outcome of the parties' bona fide disputes under *Lynn's Food Stores, Inc. v. U.S.*, 679 F.2d 1350 (11th Cir. 1982). The Magistrate's Order also states that the parties have agreed that Count I of the First Amended Complaint be remanded to state court. Therefore, upon review, it is hereby

ORDERED that

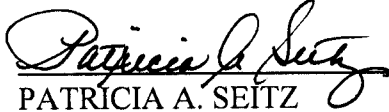
- (1) Magistrate Judge O'Sullivan's findings are ADOPTED;

¹The FLSA claim of Felix Velez remains pending.

(2) Plaintiff Raul Estrada's Motion to Remand Count I [DE-7] is GRANTED. The Clerk is directed to REMAND Count I of the First Amended Complaint to the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida;

(3) The Court shall retain jurisdiction over the claims of Plaintiffs Estrada, Ferrero, and Ramirez until **January 31, 2011** to enforce the terms of the settlement agreement.

DONE and ORDERED in Miami, Florida, this 8^R day of December, 2010.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record