

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20023-CIV-SEITZ/SIMONTON

JOSE MANAS, and others
similarly situated,

Plaintiff,

v.

SOMIR HEALTHCARE
TRANSPORTATION, INC. and
NORMA L. FLORES,

Defendants.

_____/

ORDER SETTING TELEPHONIC FAIRNESS HEARING
ON FLSA SETTLEMENT

THIS MATTER came before the Court upon the Mediator's Report indicating that an agreement had been reached in the case (DE # 34). The Honorable Patricia A. Seitz, United States District Judge, has referred this case to United States Magistrate Judge Andrea M. Simonton to conduct a fairness hearing (DE # 35).

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's Food Stores, Inc. 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 settlements of litigation. *Id.* at 1354.

Therefore, it is hereby

ORDERED that the matter is set for a telephonic fairness hearing on the Settlement Agreement for Tuesday, July 12, 2011 at 3:00 p.m. Plaintiff is to initiate the telephonic hearing by placing a conference call to the chambers of the undersigned Magistrate Judge (305-523-5930) with all parties on the line.

If any party has a conflict regarding the date or time of the hearing, that party shall coordinate with the other parties to find proposed alternative available dates for the hearing. This can be accomplished via a conference call to the chambers of the undersigned Magistrate Judge. If the parties cannot agree, the party seeking to change the date shall file a motion with the Court.

DONE AND ORDERED in chambers in Miami, Florida, on July 1, 2011.



ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE