

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No. 11-21147-CIV-GOODMAN

[CONSENT CASE]

PASTOR JESUS GONZALEZ and all others  
similar situated under 29 U.S.C. 216(b),

Plaintiff,

v.

OLD LISBON RESTAURANT & BAR L.L.C.,  
OLD LISBON SUNSET, L.L.C., and  
CARLOS SILVA,

Defendants.

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**ORDER ON FLSA SETTLEMENT PROCEDURE**

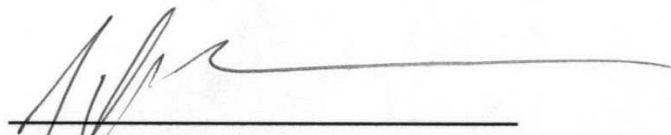
THIS CAUSE is before the Court upon the parties' Notice of Settlement. [ECF No. 48]. The Eleventh Circuit interprets the FLSA as requiring that the court review and approve any compromise or settlement of an FLSA claim. *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1352-53 (11th Cir. 1982). Under *Lynn* and its progeny, the Court's duty to review stipulated FLSA compromises extends to *all circumstances*, regardless of whether a plaintiff is, in effect, abandoning his claim or whether a plaintiff is receiving monetary compensation. *See, e.g., Perez-Nunez*, 609 F. Supp. 2d 1319, 1320 (S.D. Fla. 2009); *Terry v. Waste Mgmt. Inc. of Fla.*, No. 6:06-cv-1473-Orl-28JGG, 2007 WL 604977, at \*1-\*2 (M.D. Fla. Feb. 22, 2007).

Therefore, the parties are directed to do one of the following: either (1) submit a notice of filing with the proposed settlement agreement attached for the Court's review **within 15 days**; or (2) contact Chambers **within 10 days** to schedule a telephonic fairness hearing.

In order to evaluate any proposed settlement, the Court is required to consider (1) the total amount of the settlement; (2) the amount of money allocated to each plaintiff; (3) the total amount of attorneys fees allocated to plaintiff's counsel; and (4) the types and total amount of costs being reimbursed to plaintiff's counsel. If the parties select the first option and the settlement agreement does not contain all of this information, then the parties must simultaneously submit documentation disclosing these figures.

If the parties choose the second option, then they shall be prepared during the phone call to propose two different dates and times on which the parties are both available. The parties must also be prepared to disclose the same information necessary to exercise option one on the record at the hearing.

**DONE and ORDERED**, in Chambers, in Miami, Florida, this 7th day of May, 2012.



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Jonathan Goodman  
UNITED STATES MAGISTRATE JUDGE

**Copies furnished to:**

All counsel of record