

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 14-22047-CIV-WILLIAMS/SIMONTON

JOVAN VALENCIA,

Plaintiff,

v.

NOA INVESTMENTS, LLC,
and LEVIN DE GRAZIA,

Defendants.

ORDER APPROVING SETTLEMENT AGREEMENT

This matter is before the Court upon the Plaintiffs' Notice of Settlement and Request for Approval, ECF No. [8]. The Honorable Kathleen M. Williams, United States District Judge, has referred this matter to the undersigned Magistrate Judge for purposes of determining whether the settlement reached in this matter is a fair and reasonable resolution to a bona fide dispute, ECF No. [5].

This matter involves claims by Plaintiff Jovan Valencia against Defendants Noa Investments, LLC and Levin De Grazia for alleged minimum wage and overtime violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* ("FLSA"). After the Parties reached a settlement in the matter, ECF No. [7], the Parties submitted a Notice of Settlement and Request for Approval, ECF No. [8]. The Parties have also filed a copy of the Settlement, General Release and Non-Disclosure Agreement to the Court for review, ECF No. [8-1].

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 settlements of litigation. *Id.* at 1354.

The undersigned has reviewed the Settlement Agreement submitted by the Parties to determine whether the settlement reached in this matter is a fair and reasonable resolution to the Parties' dispute. In so doing, the undersigned has considered the allegations in the Complaint, ECF No. [1], the Plaintiff's Statement of Claim, ECF No. [6], and the terms of the Settlement Agreement, ECF No. [8-1], as well as the pertinent portions of the record, and is otherwise fully advised in the premises. Based thereon, the undersigned finds that the settlement reached by the Parties is a fair and reasonable resolution of the Parties' bona fide dispute. In addition, the Court finds the amount of the attorney's fees recovered by Plaintiff's attorney pursuant to the Settlement Agreement to be fair and reasonable. The Settlement Agreement requires payment be made within ten business days of court approval of the Agreement, and that a joint stipulation of dismissal be filed within three business days thereafter.

Accordingly, it is hereby

ORDERED AND ADJUDGED that the terms of the Settlement Agreement are **APPROVED.**

DONE AND ORDERED at Miami, Florida, this 28th day of July, 2014.



ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

The Honorable Kathleen M. Williams, United States District Judge

All counsel of record via CM/ECF