

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 17-21003-CIV-O'SULLIVAN  
[CONSENT]

GEORGE CUIK,

Plaintiff,

v.

WOODGRAIN MILLWORK, INC.,

Defendant.

/

**ORDER APPROVING SETTLEMENT AGREEMENT AND  
DISMISSING CASE WITH PREJUDICE**

THIS MATTER came before the Court on the parties' Joint Motion for Dismissal with Prejudice and Approval of Confidential Settlement Agreement Via a Telephonic Fairness Hearing (DE# 45, 9/25/17). The Court conducted a hearing concerning the settlement.

THE COURT has heard from counsel 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 claims for minimum wage and 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 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.

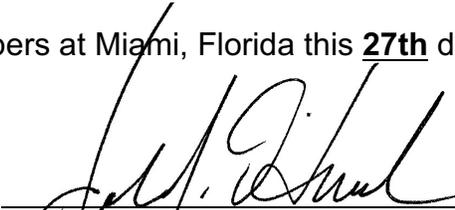
In this case, there is a bona fide factual and legal dispute over the number of hours, if any, for which the plaintiff was not properly compensated and whether the applicable pay rate should have been half time or time and one half. The terms of the settlement were announced on the record in open Court. 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' Joint Motion for Dismissal with Prejudice and Approval of Confidential Settlement Agreement Via a Telephonic Fairness Hearing (DE# 45, 9/25/17) is GRANTED. Accordingly, It is

**ORDERED AND ADJUDGED** that the parties' settlement agreement (including attorney's fees and costs) is hereby APPROVED. It is further

**ORDERED AND ADJUDGED** that this case is dismissed with prejudice and that the Court **retain jurisdiction until November 14, 2017** to enforce the terms of the settlement.

**DONE AND ORDERED** in Chambers at Miami, Florida this **27th** day of  
September, 2017.

  
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JOHN J. O'SULLIVAN  
UNITED STATES MAGISTRATE JUDGE

Copies provided to:  
All counsel of record