

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 17-21584-CIV-O'SULLIVAN
[CONSENT]

RUDI PEREZ FERNANDEZ,
WILFREDO MENDOZA
ESTREMERA and ABDIEL MENDOZA
RODRIGUEZ ESTREMERA,
Plaintiffs,

v.

GENESIS JUNGLES LLC,
BARBARA MEDINA and
HARRY NELSON,
Defendants.

**ORDER APPROVING SETTLEMENT AGREEMENT¹ AND
DISMISSING DEFENDANT HARRY NELSON WITH PREJUDICE**

THIS MATTER came before the Court following a settlement conference and the Court having 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 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 Food Stores v. United States, 679 F.2d 1350, 1352-53

¹ The Settlement Agreement is between the plaintiffs and defendant Harry Nelson. The Settlement Agreement does not include the other defendants who have been defaulted and did not participate in the settlement conference.

(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 dispute over the total number of hours for which the plaintiffs have not been properly compensated, if any, and a factual and legal dispute as to whether Mr. Nelson is an employer under the FLSA. 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 plaintiffs 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' Settlement Agreement (including attorney's fees and costs) is hereby APPROVED. It is further

ORDERED AND ADJUDGED that defendant Harry Nelson is **DISMISSED WITH PREJUDICE**. The Court **retains jurisdiction until September 18, 2017** to enforce the terms of the settlement.

DONE AND ORDERED in Chambers at Miami, Florida this 17th day of August, 2017.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies provided to:
All counsel of record