

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-14284-CIV-GRAHAM/LYNCH

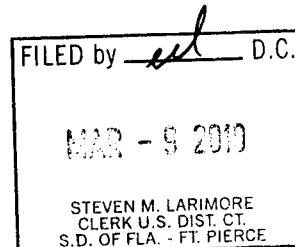
RONALD CONN, on behalf of himself
and those similarly situated,

Plaintiffs,

v.

TOLL BROS. INC.,

Defendant.



REPORT AND RECOMMENDATION ON THE PARTIES' JOINT MOTION FOR
APPROVAL OF SETTLEMENT (DE 57)

THIS CAUSE comes before this Court upon an Order of Reference from the Hon. Donald L. Graham and the above Motion. Having reviewed the Motion and the parties' Notice of Filing Affidavits in Support (DE 64), this Court recommends as follows:

1. By Order dated February 25, 2010 this Court instructed each Plaintiff to file an Affidavit addressing the important terms of the Settlement Agreement. The Plaintiffs were instructed to give express agreement to the amount of the recovered damages and the total amount of attorney's fees and costs, to confirm the terms of the Settlement Agreement, and to affirm the reasonableness of the Settlement Agreement overall. Through their Notice of Filing Affidavits, the Plaintiffs have addressed these matters and have confirmed their consent to the Settlement Agreement.

2. This Court also has reviewed the Settlement Agreement and General Release independently. This Court finds it to be a fair and reasonable resolution of the parties' FLSA dispute.

3. Initially this matter was scheduled for a court hearing, but upon the Plaintiffs' Motion, the Plaintiffs were allowed to file Affidavits in lieu of a hearing. This Court granted this accommodation in light of the fact that a hearing would impose significant travel burdens on several Plaintiffs who now live out of the District or out of State. Moreover counsel for both parties agreed to this accommodation.

ACCORDINGLY, this Court recommends to the District Court that the Motion be **GRANTED**. This Court recommends further that the Settlement Agreement be approved and that the case be dismissed with prejudice.

The parties shall have **fourteen (14) days** from the date of this Report and Recommendation within which to file objections, if any, with the Hon. Donald L. Graham, the United States District Judge assigned to this case.

DONE AND SUBMITTED in Chambers at Fort Pierce, Florida, this 9th day of March, 2010.



FRANK J. LYNCH, JR.
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Donald L. Graham
Richard Celler, Esq.
Richard C. McCrea, Esq.