

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 07-CIV-80819-RYSKAMP/VITUNAC

Roscoe Pugh, Nicole, Curry, Freddie Smith,
and all similarly situated individuals,

Plaintiffs,

v.

Belle Glade Gardens, a joint venture between
Castello Brothers, LLC and Prince David, LLC,
Jose Castello, individually, Gerardo Castello,
individually, David Tepper, individually,
Moses Fried, individually, Castello
Brothers, LLC and Prince David, LLC

Defendants.

ORDER DENYING NOTICE OF DISMISSAL

THIS CAUSE comes before the Court upon the parties' notice of dismissal with prejudice [DE 46], filed on September 3, 2008. The parties request that this Court dismiss this action with prejudice pursuant to a settlement agreement that they failed to enclose for this Court's review.

The parties are reminded that pursuant to the direction provided by the Eleventh Circuit in *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350 (11th Cir. 1982), claims for unpaid overtime wages under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201 et seq., may be settled or compromised only with the approval of the Court or the Secretary of Labor. Therefore, prior to entry of an Order dismissing this case, the parties must submit their settlement agreement to the Court for review, so that this Court

may determine whether the settlement reached is a fair and reasonable resolution of a bona fide dispute over FLSA provisions.

Moreover, when a settlement agreement requires approval by the Court, special circumstances must exist in order to deny the public access to the agreement. *See Brown v. Advantage Eng'g Inc.*, 960 F.2d 1013, 1016 (11th Cir. 1992) (“Once a matter is brought before a court for resolution, it is no longer solely the parties’ case, but also the public’s case. Absent a showing of extraordinary circumstances . . . , the court file must remain accessible to the public.”). Accordingly, the Court must deny the motion and will only consider a motion to dismiss that includes the settlement agreement filed on the record.

Based on the above, it is hereby

ORDERED AND ADJUDGED that the parties’ notice of dismissal with prejudice [DE 46] is **DENIED**. This case shall remain open and pending until the parties come to a settlement that is filed with this Court on the record. At that time, the Court will review the agreement in accord with Eleventh Circuit precedent.

DONE AND ORDERED in West Palm Beach, Florida this 11 day of September, 2008.

/s/ Kenneth L. Ryskamp
KENNETH L. RYSKAMP
United States District Judge

Copies provided to:
All counsel of record