

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CHRISTIAN BANEGAS	:	
	:	
v.	:	Civil Action No. DKC 13-3728
	:	
GENERAL LAWN SERVICE CORPORATION, ET AL.	:	

MEMORANDUM OPINION AND ORDER

The parties have presented, pursuant to Rule 68 of the Federal Rule of Civil Procedure, Plaintiff Christian Banegas’s acceptance of the offer from Defendants General Lawn Service Corporation and Fred Santis to allow judgment to be taken against it in this action by Plaintiff. (ECF No. 10).

This case was brought under the Fair Labor Standards Act (“FLSA”), which does not permit settlement of claims except in two narrow circumstances: (1) supervision by the Secretary of Labor, and (2) a judicial finding that the settlement reflects a “reasonable compromise of disputed issues” rather than “a mere waiver of statutory rights brought about by an employer’s overreaching.” *Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350, 1354 (11th Cir. 1982).

While Rule 68 instructs courts to enter judgment when presented with an accepted offer, the FLSA’s mandates still govern, including judicial review of a settlement for reasonableness and fairness. *See, e.g., Norman v. Alorica*,

Inc., No. 11-00433-KD-C, 2012 WL 5452196, at *2 (S.D.Ala. Nov. 7, 2012); *Kingsley v. Noonan*, No. 6:12-cv-500-Orl-22TBS, 2012 WL 5378743, at *1 (M.D.Fla. Oct. 31, 2012). The offer states that it "fully compensate[s]" Plaintiff for his claims, but that is ambiguous given that the complaint does not state an amount owed. See *Norman*, 2012 WL 5452196, at *2 (settlement approved because parties agree that plaintiff received the full amount that she was due).

Accordingly, it is this 29th day of May, 2014, by the United States District Court for the District of Maryland, ORDERED that:

1. Within fourteen (14) days, the parties are to submit a joint statement either explaining why this judgment reflects a fair and reasonable resolution of a *bona fide* dispute over FLSA provisions or that it compensates Plaintiff fully for all amounts due; and

2. The clerk will transmit a copy of this order to counsel for the parties.

/s/
DEBORAH K. CHASANOW
United States District Judge