

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MATTHEW ROSS,

Plaintiff,

- against -

LAKE NORMAN ENTERPRISES, LLC, and  
NICHOLAS MINERVA,

Defendants.  
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ROSLYNN R. MAUSKOPF, United States District Judge.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
17-CV-6332 (RRM) (RER)

On October 31, 2017, plaintiff Matthew Ross commenced this collective action pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, and New York Labor Law, seeking to recover unpaid overtime wages and damages for failure to provide wage statements and notices from his former employer, defendant Lake Norman Enterprises, LLC, and its owner or principal, Nicholas Minerva. Magistrate Judge Reyes referred this case to mediation. On March 5, 2019, defendants filed a letter notifying the Court that the parties had reached a settlement. (3/5/2019 Ltr. (Doc. No. 25).) On March 22, 2019, Ross filed a letter addressed to Judge Reyes asking the Court to approve the settlement agreement, and representing that the agreement “is fair and reasonable and in accordance with the standard set forth by the Second Circuit in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 19 (2d Cir. 2015).” (3/22/2019 Ltr. (Doc. No. 26) at 1.)

On April 19, 2019, Judge Reyes entered a Report and Recommendation on ECF recommending approval of the settlement. The entry states that Judge Reyes conducted a review of the settlement agreement in accordance with *Cheeks*, and found its terms to be fair and reasonable. To date, no party has filed any objections to Judge Reyes’ recommendation.

This Court has reviewed Judge Reyes’ recommendation and finds no error. Further, the

Court has reviewed the terms of the settlement *de novo* pursuant to the standards set forth in *Cheeks*. The Court agrees with Judge Reyes that the settlement agreement, filed on March 22, 2019, meets the requirements of *Cheeks*. As such, the Court approves the settlement.

### CONCLUSION

For the reasons set forth herein, the Court adopts the April 19, 2019 recommendation of Judge Reyes, and approves the settlement agreement filed on March 22, 2019. (Doc. No. 26.) As the parties have settled this action, the Clerk of Court is hereby directed to close the file.

SO ORDERED.

Dated: Brooklyn, New York  
*May 8*, 2019

s/Roslynn R. Mauskopf

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ROSLYNN R. MAUSKOPF  
United States District Judge