

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSE RIVERA MARTINEZ, *individually and  
on behalf of all others similarly situated,*

Plaintiff,

-against-

ROBERT FRANCIS PAINTING, INC. and  
ROBERT KANE, *an individual,*

Defendants.  
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**ORDER**  
16-CV-3845 (SIL)

**LOCKE, Magistrate Judge:**

On March 16, 2017, in this wage and hour action brought pursuant to the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 201 *et seq.*, and the New York Labor Law (“NYLL”), N.Y. Lab. Law § 190 *et seq.*, Plaintiff Jose Rivera Martinez and Defendants Robert Francis Painting, Inc. and Robert Kane jointly submitted a motion seeking approval of a Settlement and Release Agreement (the “Settlement Agreement”).<sup>1</sup> *See* Docket Entry (“DE”) [16]. Having reviewed the parties’ joint submission in support thereof, as well as the Settlement Agreement itself, the Court finds that the Settlement Agreement’s terms are fair and reasonable. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015); *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012) (requiring that a district court scrutinize an FLSA settlement agreement to determine that it is fair and reasonable). Accordingly, the Settlement Agreement is approved and this case is hereby closed.

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<sup>1</sup> This action has been assigned to this Court for all purposes pursuant to 28 U.S.C. § 636(c). *See* DE [15].

Dated: Central Islip, New York  
March 28, 2017

**SO ORDERED.**

s/ Steven I. Locke  
STEVEN I. LOCKE  
United States Magistrate Judge