

## UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

JHONATAN MARTINEZ ALFONSO,

Plaintiff,

-v-

384 3RD AVE REST LLC and KEVIN DOHERTY,

Defendants.

CIVIL ACTION NO.: 21 Civ. 5316 (SLC)

**SETTLEMENT APPROVAL ORDER****SARAH L. CAVE**, United States Magistrate Judge.

The parties in this wage-and-hour case under the Fair Labor Standards Act (“FLSA”) have consented to my jurisdiction under 28 U.S.C. 636(c) and Fed. R. Civ. P. 73 for purposes of reviewing their proposed settlement (ECF No. 31), and submitted a joint letter in support of settlement (ECF No. 28) and proposed settlement agreement (ECF No. 28-1) for approval under Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). After the Court pointed out several defects in their submission, the parties filed a supplemental letter and an executed copy of the Proposed Settlement Agreement, which the Court has now reviewed. (ECF Nos. 32; 33).

Courts generally recognize a “strong presumption in favor of finding a settlement fair” in FLSA cases like this one, as courts are “not in as good a position as the parties to determine the reasonableness of an FLSA settlement.” Souza v. 65 St. Marks Bistro, No. 15 Civ. 327 (JLC), 2015 WL 7271747, at \*4 (S.D.N.Y. Nov. 6, 2015) (citation omitted).

Having carefully reviewed the joint letter-motion in support of settlement, the Settlement Agreement and accompanying exhibits, the Court finds that all of the terms of the proposed settlement, including the allocation of attorneys’ fees and costs, appear to be fair and reasonable

under the totality of the circumstances and in light of the factors enumerated in Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012). In addition, the parties' supplemental letter resolves the questions raised by the Court. (Compare ECF No. 32 with ECF No. 33). Accordingly, the Court approves the settlement.

This action is dismissed with prejudice and without costs except as may be stated in the Settlement Agreement. The Court will retain jurisdiction to enforce the Settlement Agreement. Any pending motions are moot. The Clerk of Court is respectfully requested to mark ECF No. 33 as "granted," and to close this case.

Dated: New York, New York  
August 2, 2022

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge