

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

**Case No. 08-60667-CIV-SEITZ/O'SULLIVAN**

ROSELL FRANCIS, et al.,  
and other similarly situated,

Plaintiff,

vs.

ANINSELY'S PORTER AND JANITORIAL  
SERVICES, INC., et al.,

Defendants.

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**ORDER APPROVING SETTLEMENT AGREEMENT**

THIS MATTER was set for a settlement conference on Tuesday, July 22, 2008 before the undersigned. At the commencement of the settlement conference, the parties notified the undersigned that a settlement had been reached.

THE COURT has heard from counsel and considered the terms of the Settlement Agreement, the pertinent portions of the record, and is otherwise fully advised in the premises.

This case involves a claim for unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §201, et seq ("FLSA") and specifically under the provisions of 29 U.S.C. §§ 207(a)(1) and 216(b). In reviewing a settlement of an FLSA private claim, a court must "scrutiniz[e] the settlement for fairness," and determine that the settlement is a "fair and reasonable resolution of a bona fide dispute over FLSA provisions." Lynn Food Stores v. United States, 679 F.2d 1350, 1352-53 (11th Cir. 1982). A settlement entered into in an adversarial context where both sides are represented by counsel throughout litigation "is more likely to reflect a reasonable compromise of disputed issues." Id. The district court may approve the

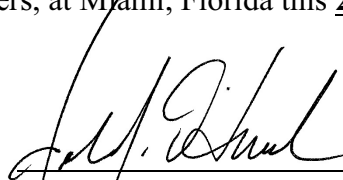
settlement in order to promote the policy of encouraging settlement of litigation. Id. at 1354.

In this case, there is a bona fide dispute over FLSA provisions, as evidenced by the claims alleged in the complaint. The Court finds that the compromise reached by the parties under the terms of the Settlement Agreement is a fair and reasonable resolution of the parties' bona fide disputes. Accordingly, it is

**ORDERED AND ADJUDGED** that the parties' Settlement Agreement is hereby APPROVED. It is further

**ORDERED AND ADJUDGED** that on or before August 5, 2008, the parties shall file a stipulation and proposed order of dismissal. The failure to comply with this order may result in a dismissal with prejudice.

DONE AND ORDERED, in Chambers, at Miami, Florida this **22nd** day of July, 2008.



JOHN J. O'SULLIVAN  
UNITED STATES MAGISTRATE JUDGE\_

Copies furnished to:

U.S. District Judge Seitz  
All counsel of record