

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-22761-CIV-SEITZ/O'SULLIVAN

MATTHEW A. MELVER,

Plaintiff,

vs.

MACY'S FLORIDA STORE, LLC,
an Ohio limited liability company,

Defendant.

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ORDER APPROVING SETTLEMENT AGREEMENT

THIS MATTER came before the Court following a fairness hearing on December 16, 2008.

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 claims for retaliation, minimum wage and unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §201, et seq ("FLSA"). 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 and defenses alleged in the pleadings. The Court has reviewed the terms of the Settlement Agreement including the amount to be received by the plaintiff and the attorney's fees and costs to be received by counsel and finds that the compromise reached by the parties is a fair and reasonable resolution of the parties' bona fide disputes. Accordingly, it is

ORDERED AND ADJUDGED that the parties' Settlement Agreement (including attorney's fees and costs) is hereby **APPROVED**. It is further

ORDERED AND ADJUDGED that the parties shall file appropriate documents to dismiss this case on or before **Tuesday, December 23, 2008**.

DONE AND ORDERED in Chambers at Miami, Florida this **16th** day of December, 2008.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies provided to:
United States District Judge Seitz
All counsel of record