

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RAFAEL FUENTES,

Plaintiff,

v.

Case No: 6:16-cv-1616-Orl-41DCI

ST. ABANOUB GROUP, INC.,

Defendant.

ORDER

THIS CAUSE is before the Court on the parties' Amended Joint Motion for Approval of Settlement Agreement ("Motion," Doc. 36). United States Magistrate Judge Daniel C. Irick submitted a Report and Recommendation (Doc. 38), recommending that the Court grant the Motion.

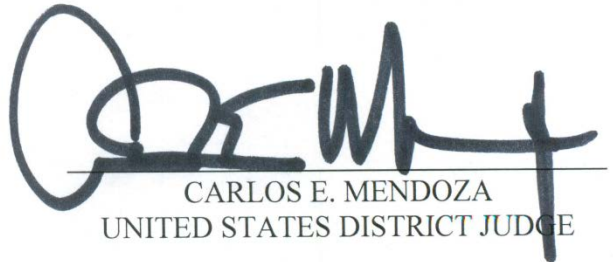
After a *de novo* review, and noting that no objections were timely filed, the Court agrees with the analysis in the Report and Recommendation, with the addition of the following caveat: to the extent that the Settlement Agreement purports to allow the parties to subsequently modify the Agreement, (*see* Doc. 36-1 ¶ 11), that language will be stricken, (*id.* ¶ 8 (severability provision)). Pursuant to *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982), any future modifications to the Settlement Agreement are unenforceable absent judicial approval.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 38) is **ADOPTED** and **CONFIRMED** as set forth herein.
2. To the extent the modification provision (Doc. 36-1 ¶ 11) purports to allow the Settlement Agreement to be modified without Court approval, it is **STRICKEN**.

3. The parties' Amended Joint Motion for Approval of Settlement Agreement (Doc. 36) is **GRANTED**; the Settlement Agreement, as amended by this Court, is **APPROVED**; and this case is **DISMISSED with prejudice**.
4. The Clerk is directed to close this case.

DONE and **ORDERED** in Orlando, Florida on March 21, 2018.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record