

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

JOSEPH DOWLING,

Plaintiff,

v.

Case No. 6:17-cv-308-Orl-37DCI

WINGHOUSE II, INC.; CRAWFORD F.  
KER; and SOARING WINGS, LLC,

Defendants.

---

**ORDER**

Plaintiff initiated this action against his former employers alleging, among other things, that they failed to compensate him for overtime hours worked in violation of the Fair Labor Standards Act (“**FLSA**”). (See Doc. 1.) The parties then moved for approval of their FLSA settlement agreement under *Lynn’s Food Stores, Inc. v. United States ex rel. United States Department of Labor*, 679 F.2d 1350, 1355 (11th Cir. 1982). (See Docs. 51 (“**Motion**”); 51-1-2 (“**Agreements**”).)

Under the terms of the Agreements, Defendants will pay Plaintiff a total of \$11,500 – \$4,941.80 in settlement of claims (“**Payment**”) and liquidated damages, and \$6,558.20 to his counsel (“**Attorney Fees**”). (Docs. 51, pp 2–4; 51-1, pp. 1–3; 51-2, pp. 2–3.) The parties ask the Court to approve the Agreements and dismiss this action with prejudice. (Doc. 51, p. 6.)

On referral, U.S. Magistrate Judge Daniel C. Irick concludes that both the Payment and Attorney Fees are fair and reasonable. (Doc. 52 (“**R&R**”).) He also finds that the terms

of the Agreement do not affect the reasonableness of the settlement,. (*Id.* at 4.) With this, he recommends approving the Agreements and dismissing this action with prejudice. (*Id.* at 5.)

On May 8, 2018, the parties filed a joint notice of no objection to the R&R. (Doc. 53.) Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at\*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 52) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The parties' Motion to Approve FLSA Settlement and for Dismissal with Prejudice as to All Defendants (Doc. 51) is **GRANTED**.
3. The parties' Settlement Agreements and Limited Releases (Docs. 51-1-51-2.) are **APPROVED**.
4. This action is **DISMISSED WITH PREJUDICE**.
5. The Clerk is **DIRECTED** to close the file.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on May 9, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record