

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

BRITTANY COHN, on behalf of herself  
and others similarly situated

Plaintiff,

v.

Case No: 2:17-cv-438-FtM-38CM

ROTOR HOLDINGS, INC. and PAUL  
TUROVSKY,

Defendants.

\_\_\_\_\_ /

**ORDER**<sup>1</sup>

This matter comes before the Court on review of United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 24](#)). Judge Mirando recommends (1) granting Plaintiff Brittany Cohn's Second Motion to Approve Settlement ([Doc. 23](#)); (2) striking paragraph 3 of the Settlement Agreement and Release that discusses sealing and voluntarily dismissing this case ([Doc. 23-1 at ¶ 3](#)); and (3) striking the words "and confidentiality agreement" in the first paragraph of the parties' Addendum to Settlement Agreement ([Doc. 23-2 at 1](#)) and finding a confidentiality agreement to be neither permissible nor part of the approved settlement. ([Doc. 24](#)). No party objects to the Report and Recommendation, and the time to do so has expired. This matter is ripe for review.

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A district judge “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently, and upon carefully considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

The Report and Recommendation (Doc. 24) is **ACCEPTED and ADOPTED** and the findings incorporated in this Order.


1. Plaintiff Brittany Cohn’s Second Motion to Approve Settlement (Doc. 23) is **GRANTED** and the Settlement Agreement and Release (Doc. 23-1) and Addendum (Doc. 23-2) are **APPROVED**, consistent with this Order, as a fair and reasonable resolution of the bona fide FLSA dispute.
2. The following provision is **STRICKEN** from the Settlement Agreement and Release (Doc. 23-1 at ¶ 3):

Ms. Cohn Promises. Ms. Cohn instructs and authorizes her attorney of record to immediately file on or before September 28, 2017 in the aforementioned lawsuit a notice of voluntary dismissal with prejudice against all parties. Ms. Cohn further instructs her attorney to file a motion with the court to seal this lawsuit as the lawsuit is frivolously and improper. Ms. Cohn further understands, acknowledges, agrees and instructs her attorney that neither her attorney nor Ms. Cohn

shall hold the Company liable for any and all attorney fees or court costs that Ms. Cohn or her attorney incurred during this lawsuit.

3. The words “and confidentiality agreement” is **STRICKEN** from the first paragraph of the parties’ Addendum to Settlement Agreement ([Doc. 23-2 at 1](#)) and a confidentiality agreement is not part of the approved settlement agreement and is not permissible.
4. This action is **DISMISSED with prejudice**.
5. The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending deadlines and motions, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 26th day of March 2018.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record