

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JOSE DISOTUAR and MANUEL  
VAZQUEZ, an individual

Plaintiffs,

v.

Case No: 2:17-cv-524-FtM-38MRM

FERNANDEZ THE BULL MIDTOWN,  
INC.,

Defendant.

\_\_\_\_\_ /

**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on the parties' Joint Stipulation of Dismissal with Prejudice ([Doc. 23](#)) filed on February 5, 2018. Plaintiffs brought this action under the Fair Labor Standards Act for unpaid minimum wages and unpaid overtime wages. ([Doc. 1](#)). The parties now inform the Court that Plaintiffs' claims against Defendant have been resolved in full without compromise, with the attorney's fees negotiated separately from the resolution of Plaintiffs' claims. ([Doc. 23](#)). Therefore, there is no need for the Court to review and approve the settlement for fairness. See [Lynn's Food Stores, Inc. v. U.S. Dep't of Labor](#), 679 F.2d 1350, 1352 (11th Cir. 1982). Moreover, Federal Rule of Civil Procedure 41 allows a plaintiff to dismiss an action without a court order by "a stipulation

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of dismissal signed by all parties who have appeared.” [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(ii\)](#). Here, the parties dismiss this case with prejudice under [Rule 41\(a\)\(1\)\(A\)\(ii\)](#) and provide the Court with a Joint Stipulation for Dismissal signed by all parties. ([Doc. 23](#)).

Accordingly, it is now

**ORDERED:**

1. This case is **DISMISSED with prejudice**.
2. The Clerk of Court is **DIRECTED** to enter judgment accordingly, terminate all pending motions, and close this file.

**DONE** and **ORDERED** in Fort Myers, Florida this 6th day of February, 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record