

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOY HOLLOWAY,

Plaintiff,

v.

Case No. 6:17-cv-1290-Orl-37TBS

CITY OF WEST MELBOURNE,

Defendant.

ORDER

Plaintiff initiated this action against her former employer alleging that it failed to compensate her for overtime hours worked in violation of the Fair Labor Standards Act (“FLSA”) and fired her in retaliation for complaining about not receiving overtime. (*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). (Doc. 23, ¶¶ 16–17.) On referral, U.S. Magistrate Judge Thomas B. Smith recommended denying that motion for approval due to several identified deficiencies in the proposed agreement. (Doc. 24.) The parties then filed an amended agreement, which Magistrate Judge Smith reviewed and found similar deficiencies. (Docs. 25, 27.) Third time’s the charm though; the parties filed a second renewed motion for approval (Doc. 28), which Magistrate Judge Smith recommends granting (Doc. 30 (“R&R”).)

The parties then filed a joint notice of no objection to the R&R. (Doc. 31.) 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 Macort 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 Thomas B. Smith's Report and Recommendation (Doc. 30) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The parties' Second Amended Joint Motion for Approval of the Parties' Settlement (Doc. 28) is **GRANTED**.
3. The Settlement Agreement and Release of FLSA Claims Asserted in the Federal Lawsuit (Doc. 28-1) is **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 October 22, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record

