

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DANIEL CUNNINGHAM,

Plaintiff,

v.

Case No. 8:17-cv-2829-T-33JSS

FINE & DANDY, LLC, ET AL.,

Defendants.

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**ORDER**

This matter is before the Court pursuant to the parties' Joint Motion to Approve FLSA Settlement and for Dismissal with Prejudice (Doc. # 27), which was filed on March 16, 2018. At the request of the Court, the parties have filed the settlement agreement (Doc. # 29) and Plaintiff's counsel has filed additional information regarding the fees and costs incurred in the case. (Doc. # 31). After careful consideration, the Court grants the Motion.

**I. Background**

Plaintiff Daniel Cunningham filed this Fair Labor Standards Act and Florida Minimum Wage Act case against his former employers, Defendants Fine & Dandy, LLC and Andrew Kryliouk on November 22, 2017. (Doc. # 1). Defendants filed an Answer on January 2, 2018. (Doc. # 12). On January 3, 2018, the Court issued its FLSA Scheduling Order. (Doc. # 13). Plaintiff filed his Answers to the Court's Interrogatories on January 31, 2018. (Doc. # 17). Defendants filed a Verified

Summary of Plaintiff's hours worked on February 23, 2018. (Doc. # 21). Thereafter, the parties reached a settlement. (Doc. # 24). At the Court's direction, the parties seek Court approval of their agreement. (Doc. # 27).

## **II. Analysis**

Plaintiff alleges that Defendants violated the overtime provisions of the Fair Labor Standards Act. Accordingly, any settlement reached between the parties is subject to judicial scrutiny. See Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1353 (11th Cir. 1982). The parties have reached a settlement wherein it is agreed that Plaintiff will receive a total of \$550.00 representing all unpaid wages and liquidated damages. It has also been agreed that Plaintiff's counsel will receive \$4,450.00 in attorney's fees and costs. (Doc. # 29).

In the Motion, the parties represent that the attorney's fees to be paid to counsel were negotiated separately and without regard to the amount to be paid to Plaintiff for alleged FLSA violations. Pursuant to Bonetti v. Embarq Management Company, 715 F. Supp. 2d 1222, 1228 (M.D. Fla. 2009), and other governing law, the Court approves the compromise reached by the parties in an effort to amicably settle this case. The Court requested additional information regarding the fees and costs incurred and, after review, finds that the settlement is fair and may be approved. The

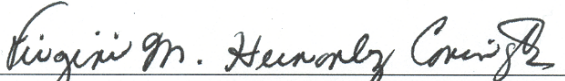
settlement represents a reasonable compromise of the parties' dispute.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) The parties' Joint Motion to Approve FLSA Settlement and for Dismissal with Prejudice (Doc. # 27) is **GRANTED**.
- (2) The parties' settlement is approved. This case is **DISMISSED WITH PREJUDICE**.
- (3) The Clerk is directed to **CLOSE THE CASE**.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 29th day of March, 2018.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE