

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

JAKE O'NEILL,

Plaintiff,

v.

Case No. 6:18-cv-120-Orl-37GJK

SPEEDSTER SERVICES, LLC;  
SHAILESH C. PATEL; and MAMTA S.  
PATEL,

Defendants.

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**ORDER**

Plaintiff initiated this putative class action against his former employer alleging that it failed to compensate him for overtime hours worked in violation of the Fair Labor Standards Act ("**FLSA**"). (See Doc. 19.) Before the Court now is the Renewed Joint Motion for Approval of FLSA Settlement Agreement and Incorporated Memorandum of Law (Doc. 32 ("**Motion for Settlement**")) and settlement agreement (Doc. 32-1 ("**Agreement**")), which the parties submit is reasonable under *Lynn's Food Stores, Inc. v. United States ex rel. United States Department of Labor*, 679 F.2d 1350, 1355 (11th Cir. 1982). Under the terms of the Agreement, Defendant will pay Plaintiff a total of \$4,000 – \$1,150 in settlement of claims ("**Payment**") and liquidated damages; \$350 as separate consideration for the general release ("**General Release**"); and \$2,500 for attorney's fees and costs ("**Attorney Fees**"). (Doc. 32, p. 5; Doc. 32-1, p. 2.)

On referral, U.S. Magistrate Judge Gregory J. Kelly concludes that the Payment,

General Release, and Attorney Fees are fair and reasonable. (Doc. 33 (“**R&R**”).) He also finds that the terms of the Agreement do not affect the reasonableness of the settlement. (*Id.* at 5–7) With this, he recommends approving the Motion for Settlement and dismissing this action with prejudice. (*Id.* at 5.)

The parties then filed a joint notice of no objection to Magistrate Kelly’s R&R. (Doc. 34.) 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 Gregory J. Kelly’s Report and Recommendation (Doc. 33) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The parties’ Renewed Joint Motion for Approval of FLSA Settlement Agreement and Incorporated Memorandum of Law (Doc. 32) is **GRANTED**.
3. The parties’ Settlement Agreement and Mutual General Release (Doc. 32-1.) 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 12, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record