

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

LORI GORGONE,

Plaintiff,

v.

Case No. 6:18-cv-635-Orl-37LRH

FLORIDA DISCOUNT DRUGS, INC.,

Defendant.

ORDER

Plaintiff initiated this action against her former employer for unpaid overtime compensation and retaliation in violation of the Fair Labor Standards Act (“FLSA”). (See Doc. 2.) 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. 24 (“**Motion**”); Doc. 24-1 (“**Agreement**”).) On referral, U.S. Magistrate Judge Leslie R. Hoffman recommends granting the Motion in part, revising ¶ 1(d) of the Agreement, and approving the Agreement as revised. (Doc. 25 (“**R&R**”).)

The parties represent that they do not object to the R&R. (Doc. 26.) As such, 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 no such error, 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 Leslie R. Hoffman's Report and Recommendation (Doc. 25) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The parties' Amended Joint Motion for Approval of Settlement and Dismissal of Lawsuit with Prejudice (Doc. 24) is **GRANTED IN PART**.
 - a. The Motion is **DENIED** to the extent that specified language from ¶ 1(d) of the Agreement (Doc. 24-1) is **STRICKEN**, such that ¶ 1(d) is **REVISED** to state:

~~the Settlement Payment is being paid by EMPLOYER in full and complete settlement of all claims or causes of action of any type or description which GORGONE has or could have asserted against the EMPLOYER including, without limitation, any claims of GORGONE related to her employment by EMPLOYER or her separation from employment with EMPLOYER, or any other rights GORGONE may have against EMPLOYER associated with Count I of the Lawsuit.~~
 - b. In all other respects, the Motion is **GRANTED**.
3. The Amended FLSA Settlement Agreement and Release of Claims (Doc. 24-1), as revised above, 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 March 27, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record