

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DIANA L. OBANDO,

Plaintiff,

v.

Case No: 6:18-cv-856-Orl-41TBS

SBC FOOD SERVICE, INC.,

Defendant.

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ORDER

THIS CAUSE is before the Court on the parties' Joint Motion to Approve Amended Settlement Agreement and to Dismiss with Prejudice (Doc. 29). United States Magistrate Judge Thomas B. Smith issued a Report and Recommendation (Doc. 32), recommending that the Motion be denied. Specifically, Judge Smith determined that the parties failed to adequately explain why Plaintiff agreed to accept all of the tax consequences of the proposed settlement and what the cost of that would be to her. (*Id.* at 6–7).


The parties filed a Joint Response to the Report and Recommendation (Doc. 33). Therein, the parties explain that while they disagree as to whether Plaintiff was an independent contractor, Plaintiff agreed to pay the taxes associated with the proposed settlement as an independent contractor. (*Id.* at 2). The parties' Joint Response does not provide the Court with any more information from which it can evaluate the proposed settlement.

After a *de novo* review, the Court agrees with the analysis set forth in the Report and Recommendation. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 32) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The parties' Joint Motion to Approve Amended Settlement Agreement and to Dismiss with Prejudice (Doc. 29) is **DENIED**.
3. **On or before April 30, 2019**, the parties shall file: (1) an amended motion for settlement approval; (2) an appropriate stipulation of voluntary dismissal *without prejudice*, in which case any underlying settlement agreement will be legally unenforceable; or (3) a report as to the status of any pending settlement agreement or further litigation in this case.

DONE and ORDERED in Orlando, Florida on April 16, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record