

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MICHAEL FERRARO,

Plaintiff,

v.

2:23-cv-650-NPM

**INTERLOCK SECURITY GROUP, INC.
and DERRICK LOPEZ,**

Defendants.

ORDER


In this action for unpaid overtime wages under the FLSA, plaintiff Michael Ferraro filed a notice of acceptance of defendants Interlock Security Group, Inc. and Derrick Lopez’s Rule 68 offer of judgment. (Doc. 31). Rule 68 allows a party defending against a claim to serve an opposing party with an offer to allow judgment on specified terms. If the opposing party serves a written acceptance within 14 days of being served with the offer, either party may then file the offer and notice of acceptance, plus proof of service. “The clerk must then enter judgment.” Fed. R. Civ. P. 68(a).

As a “ministerial act,” Rule 68 “leaves no discretion in the district court to do anything other than enter judgment once an offer of judgment has been accepted.” *Collar v. Abalux, Inc.*, 895 F.3d 1278, 1283-1284 (11th Cir. 2018). And “Rule 68 applies in actions brought under the Fair Labor Standards Act no less than in any

other case.” *Vasconcelo v. Miami Auto Max, Inc.*, 981 F.3d 934, 942 (11th Cir. 2020); *see also Casso-Lopez v. Beach Time Rental Suncoast, LLC*, 335 F.R.D. 458, 461-62 (M.D. Fla. 2020) (the parties may terminate an FLSA case by filing a Rule 68(a) notice of acceptance of an offer of judgment “and the district court is immediately powerless to interfere”). The requirements of Rule 68 have been met. (Docs. 31, 31-1). The clerk *must* enter judgment. *See* Fed. R. Civ. P. 68(a).

Accordingly, the clerk is directed to enter judgment in plaintiff Michael Ferraro’s favor and against defendant Interlock Security Group, Inc. (only) for the sum of \$15,000 and in accordance with the terms of the accepted offer of judgment (Doc. 31-1). This judgment resolves all claims for costs or fees. The clerk is further directed to terminate all scheduled events and close the file.

ORDERED on February 29, 2024.



NICHOLAS P. MIZELL
United States Magistrate Judge