

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JENNIFER JONES, TERRELL
BOLLING, LEVY AYERS, J. K. (A
MINOR) and QUANIKA DRAKE,

Plaintiffs,

v.

Case No.: 3:23-cv-760-WWB-JBT

JOHN E. FEREBEE FARMING, INC.,

Defendant.

ORDER

THIS CAUSE is before the Court on the parties' Revised Joint Motion for Approval of Settlement (Doc. 35). United States Magistrate Judge Joel B. Toomey issued a Report and Recommendation (Doc. 36), in which he recommends that the Motion be granted.


After a de novo review of the record, and noting that no objections were timely filed, the Court agrees with the analysis in the Report and Recommendation. However, the Settlement Agreement and General Release (Doc. 35-1) contains an impermissible "Amendments" provision, which purports to allow the parties to amend, modify, alter, or change the agreement by consent of all parties. (*Id.* at 9). As numerous courts in this District have stated, such provisions cannot be approved because they "leave[] the parties free to circumvent *Lynn's Food* review through post hoc modifications of an already-approved agreement." *Dexheimer v. Enjoy the City N., Inc.*, No. 6:18-cv-1980-Orl, 2020 WL 5822195, at *3 (M.D. Fla. Apr. 13, 2020) (quotation omitted)). Nor can the provision be rewritten to resolve this issue. Nevertheless, the agreement also contains a severability clause, which permits the Court to remove "illegal or unenforceable"

provisions of the agreement. (Doc. 35-1 at 8). Accordingly, the Court will sever the Amendments provision and otherwise approve the agreement.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 36) is **ADOPTED** and **CONFIRMED** as set forth in this Order.
2. The Revised Joint Motion for Approval of Settlement (Doc. 35) is **GRANTED in part**.
3. Paragraph 9, titled Amendments, of the parties' Settlement Agreement and General Release (Doc. 35-1) is **SEVERED**, and the Settlement Agreement and General Release is otherwise **APPROVED**.
4. This case is **DISMISSED with prejudice**. The Clerk is directed to close this case.

DONE AND ORDERED in Jacksonville, Florida on May 28, 2024.



WENDY W. BERGER
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record