

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-cv-61923-DIMITROULEAS/SNOW

LORILYNN RICE, KRISTEN
GURDAK, GABRIEL AGUILAR,
BRITTANY SOTO, AND LAUREN
TAYLOR, on their own behalves and
others similarly situated,

Plaintiffs

vs.

LUCKY BRAND DUNGAREES
STORES, INC., a foreign profit
corporation,

Defendants.

**ORDER DENYING, WITHOUT PREJUDICE,
JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

THIS CAUSE is before the Court upon the parties' Joint Stipulation of Dismissal with Prejudice [DE 13], filed January 9, 2012. The Court has carefully considered the Stipulation, notes the signature of all parties, and is otherwise fully advised in the premises.

Plaintiffs allege that the Defendant violated the Fair Labor Standards Act ("FLSA"). Therefore, *any* settlement agreement must be approved by the Court. See Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1352-53 (11th Cir. 1982). When a settlement agreement requires approval by the Court, special circumstances must exist in order to deny the public access to the agreement. See Brown v. Advantage Eng'g, Inc., 960 F.2d 1013, 1016 (11th Cir. 1992) ("Once a matter is brought before a court for resolution, it is no longer solely the parties' case, but also the public's case. Absent a showing of extraordinary circumstances . . . , the court

file must remain accessible to the public.”). The parties have failed to present the settlement agreement for approval by the Court.

Accordingly, it is **ORDERED AND ADJUDGED** that the parties’ Joint Stipulation of Dismissal with Prejudice [DE 13] is **DENIED, WITHOUT PREJUDICE** to the parties filing a Joint Stipulation of Dismissal with their settlement agreement attached or a demonstration of the extraordinary circumstances that justify keeping the agreement from the public court file.¹

Plaintiff shall either (1) file the Joint Stipulation and attached settlement agreement or (2) show cause why it should not do so on or before January 20, 2012. A failure to follow this Court’s Order may result in sanctions.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 9th day of January, 2012.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Counsel of Record

¹ The Court emphasizes that any circumstance for filing under seal must be truly extraordinary and that the Court is unlikely to grant a request to file under seal in the ordinary course of FLSA settlements.