

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|---------------------------|---|--------------------------|
| JAMES PICKERING, JR., and |) | |
| BRANDUM LYNUM, |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | CASE NO. 2:10-CV-633-WKW |
| |) | [WO] |
| LORILLARD TOBACCO |) | |
| CO., INC., |) | |
| |) | |
| Defendant. |) | |

ORDER

Before the court is the parties' Joint Memorandum in Support of an Order Approving Settlement on Plaintiffs' claims alleging violations of the Fair Labor Standards Act of 1938 ("FLSA"), 29 U.S.C. §§ 201-219.¹ (Doc. # 85.) The joint memorandum is construed as containing a Motion for an Order Approving Settlement.

In this private action brought for back wages under the FLSA, the court must examine whether the settlement "is a fair and reasonable resolution of a bona fide dispute over FLSA provisions." *Lynn's Food Stores, Inc. v. United States of Am. ex. rel. U.S. Dep't of Labor*, 679 F.2d 1350, 1353 (11th Cir. 1982). To that end, the court has reviewed the settlement agreement *in camera*, and the parties' joint memorandum explaining the basis of the settlement, the amount of recovery, and the litigation's

¹ Plaintiff James Pickering Jr. commenced this action in July 2010. In October 2011, Plaintiff Brandon Lynum filed his consent to join this litigation. (Doc. # 58.)

costs and risks. The court also has considered the representation of experienced counsel that the settlement agreement is the product of arms-length negotiations. After careful consideration, the court finds that the settlement agreement is fair, reasonable and not the product of collusion and that it resolves a bona fide dispute under the FLSA. Accordingly, it is ORDERED as follows:

(1) the parties' joint Motion for an Order Approving Settlement (Doc. # 85) is GRANTED, and the settlement agreement is APPROVED;

(2) all claims in this action are DISMISSED with prejudice on the terms agreed to by the parties and set out in the Stipulation (Doc. # 83); and

(3) the Clerk of the Court is DIRECTED to close this case.

DONE this 18th day of September, 2012.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE