

1 Sanchez, Claudia Solis, Abraham Pena Tavera, Armando Miguel Torres,
2 Francisco C. Garcia, and Pascual Martinez Chavez.

3 The Court has reviewed the proposed settlement agreements involving the
4 nineteen settling plaintiffs and finds that they constitute fair and reasonable
5 compromises of bona fide disputes under the FLSA. See Lynn's Food Stores, Inc.
6 v. United States, 679 F.2d 1350, 1353 (11th Cir.1982) ("When employees bring a
7 private action for back wages under the FLSA, and present to the district court a
8 proposed settlement, the district court may enter a stipulated judgment after
9 scrutinizing the settlement for fairness.") The Court concludes that the amounts
10 to be paid to the settling plaintiffs as back wages and liquidated damages, and
11 the amount to be paid to the plaintiffs' counsel as mandatory attorneys' fees, are
12 fundamentally fair, adequate and reasonable in light of the complicated factual
13 background of this action.¹ Furthermore, the Court notes that the settling
14 plaintiffs are represented by counsel experienced in FLSA actions, the settlement
15 agreements were entered into after the discovery process was concluded, and
16 there is no evidence that the settlement agreements are the product of collusion
17 between the parties or are the result of fraud or overreaching on the part of the
18 defendants.

19 The parties have also agreed that the remaining thirty-six opt-in plaintiffs
20 should be dismissed from this action with prejudice on the ground that they have
21 abandoned the prosecution of this action.² As noted by the parties, these

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24 See Counsel's Declaration in Support of Settlement (doc. #195-1,
25 Exhibit (C) of the Second Settlement Agreement).

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These plaintiffs are Benjamin Aguilar, Juan Aguilar (aka Juan Aguilar
G), Jose Oscar Arrendondo (aka Jose Oscar Arrendondo and Jose Oscar

1 plaintiffs have failed to appear for their deposition or respond to properly
2 propounded discovery requests, have failed to respond to previous attempts by
3 the plaintiffs' counsel or their agents to contact them, have failed to provide the
4 plaintiffs' counsel with any updated contact information, and have failed to
5 respond to a letter from the plaintiffs' counsel sent to their last known address
6 advising them that their claims would be dismissed without any compensation
7 unless they affirmatively responded and contacted the plaintiffs' counsel by
8 August 14, 2009. The Court finds that these thirty-six opt-in plaintiffs should be
9 dismissed from this action with prejudice pursuant to Fed.R.Civ.P. 41(b) for lack
10 of prosecution. Therefore,

11 IT IS ORDERED that the parties' Updated Joint Motion to Approve
12 Settlement Agreements and Dismiss Lawsuit Replacing the Parties' Previously
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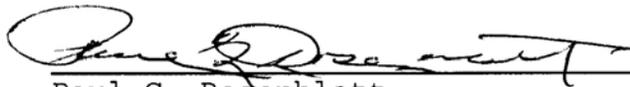
14 Arredondo Sanchez), Isaura Barron, Fernando Bello, Angel Eduardo Amada
15 Briseno (aka Angel Eduardo Amado Briseno and Angel Eduardo Amado), Arroslo
16 Burguett, Adrian Carona, Eliseo de la Cruz (aka Eliseo de la Cruz M. and Eliseo
17 de la Cruz Magana), Jose Luis de la Cruz (aka Jose Luis de la Cruz M. and Jose
18 Luis de la Cruz Magna), Ivan Tapia Diosdado, Dulce Fierros (aka Dulce Diana
19 Fierros), Elio Rascon Figueroa (aka Eliu Rascon Figueroa), Juan Carlos
20 Figueroa, Jesus Manuel A. Gomez (aka Jesus Manuel Aloudia Gomez and
21 Manuel Gomes), Karla Hernandez, Ricardo Leyva (aka Ricardo Leyva U. and
22 Ricardo Urbina Leyva), Ruven Leyva (aka Ruben Leyva), Angel Lopez (aka
23 Angel Lopez O., Angel Lopez Ocampo, and Angel L. Ocampo), Carlos Isabel
24 Lopez (aka Carlos L. Lopez and Carlos I. Lopez Lopez), Cesar Lopez (aka Cesar
25 A.Lopez and Cesar A. Lopez Lopez), Efrain A. Lopez (aka Efrain Antonio Lopez),
26 Jordan Luna, Benjamin Meraz (aka Benjamin Meraz Anarado, Victor Muniz (aka
Victor manuel Muniz and Victor Muniz Ochoa), Manuel Munez (aka Manuel
Nunez and Juan Manuel Nunez), Roberto Nunes (aka Roberto Nunez), Eleazar
Palomares (aka Eleasar Palomares), Juan Pena (aka Juan Pena T. and Jose
Juan Pena Tavera), Arturo Rangel (aka Autiro Rangel Sosa), Irima Rascon (aka
Ninive Irima Rascon), Jose Luis Ruiz, Antonio Solis, Jesus Alfredo Felix Tomayo
(aka Alfredo Tomayo and Jesus Alfredo Fieliz-Tamayo), Ramon Velasquez, and
Jorge Yanez (aka Jorge Yanez R. and Jorge Yanez Ramos.)

1 Filed Joint Motion to Approve Settlement Agreements and Dismiss Lawsuit (doc.
2 #188-1) is granted in its entirety and that the provisions of the Covarrubias
3 Settlement Agreement and the Second Settlement Agreement are approved.

4 IT IS FURTHER ORDERED that this action is dismissed with prejudice.

5 IT IS FURTHER ORDERED that the Court retains jurisdiction over the
6 settling parties to enforce the terms of the Covarrubis Settlement Agreement and
7 the Second Settlement Agreement.

8 DATED this 27th day of October, 2009.

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11 Paul G. Rosenblatt
12 United States District Judge
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