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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

In Re: Sepracor Inc. Fair Labor
Standards Act (FLSA) Litigation

MDL Docket No. 09-2039-DGC

Member Case No. CV08-920-PHX-DGC
(Only)

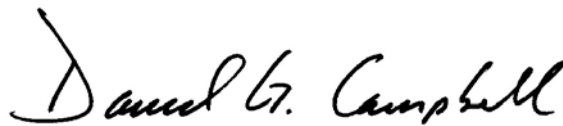
**ORDER GRANTING JOINT MOTION OF
ARIZONA PLAINTIFFS GREEVES,
CLARK AND WAESCHLE AND
DEFENDANT SEPRACOR, INC. TO
APPROVE SETTLEMENT AGREEMENT
AND DISMISS LAWSUIT WITH
PREJUDICE**

Plaintiffs Leah Greeves (“Greeves”), Jacob “Jake” Clark (“Clark”) and Valerie
Waeschle (“Waeschle”) and defendant Sepracor Inc. (“Sepracor”) have jointly moved for
approval of their settlement and the dismissal with prejudice of Greeves,’ Clark’s and
Waeschle’s claims that Sepracor had not paid them wages as required by the Fair Labor
Standards Act, 29 U.S.C. § 201 et seq. (“FLSA”). However, FLSA claims asserted in
litigation may only be resolved if the court determines that the settlement is a fair and
reasonable resolution of a bona fide dispute. See e.g., *Lynn’s Food Stores, Inc. v. United*
States, 679 F.2d 1350, 1353 (11th Cir. 1982); *Hand v. Dionex Corp.*, 2007 WL 3383601
at *1 (D. Ariz. Nov. 13, 2007).

1 The Court's review of the Greeves/Clark/Waeschle/Sepracor settlement terms and
2 settlement agreement reflect that the settlement proposed by the parties is fair and
3 reasonable in light of the factors set forth in the motion, including the risk, expense,
4 complexity and likely duration of further litigation and the views of the experienced
5 advocates representing the parties. Thus, the motion is granted.
6

7 The Court, having approved the settlements of the Greeves, Clark and Waeschle
8 claims in this action and of the parties' settlement agreement, hereby dismisses those
9 claims with prejudice. The Court further approves Greeves', Clark's and Waeschle's
10 releases of their FLSA claims against Sepracor set forth in the settlement agreement.
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12 [Dated this 8th day of December, 2009.](#)
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David G. Campbell
United States District Judge
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