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**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE DISTRICT OF ARIZONA**

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Alison Rose, on behalf of herself and)  
others similarly situated )

CV 09-1348-PHX-JAT

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Plaintiff/Counterdefendant, )

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v. )

**ORDER**

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Wildflower Bread Company, )

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Defendant/Counterclaimant. )

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On June 14, 2011, the Court denied the parties’ Joint Motion for Leave to File Confidential Settlement Agreement Under Seal (Doc. 49) for failure to show compelling reasons for sealing. (Doc. 153.) The Court did not rule on the parties’ Joint Motion for Approval of Settlement Agreement (Doc. 151) because the proposed settlement agreement was filed under seal.

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Defendant Wildflower Bread Company filed another Motion for Filing Settlement Under Seal or Alternatively for Keeping the Financial Portion of the Settlement Confidential (Doc. 154) on June 21, 2011, to which Plaintiff acquiesces (Doc. 156). Defendant again filed the proposed Settlement Agreement (the “Settlement Agreement”) under seal. (Doc. 155.)

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The Court finds that Defendant now has met the compelling reasons standard, *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006), for sealing Exhibit A to the Settlement Agreement. Exhibit A contains the financial breakdown of the settlement. The Court finds that sealing Exhibit A will preserve the sensitive nature

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1 of the information and prevent potential misuse of the information. The Court, however, will  
2 not order the sealing of the remainder of the Settlement Agreement.

3 The parties filed their Joint Motion for Approval of Settlement Agreement and  
4 Dismissal with Prejudice (Doc. 151) on May 23, 2011. The Court conditionally certified a  
5 FLSA Opt-in Class of “All current and former Assistant Managers employed by Defendant  
6 Wildflower at any time on or after three years prior to the filing of the Complaint” on May  
7 4, 2010 (Doc. 66). In addition to Named Plaintiff Alison Rose, ten other employees (with  
8 Named Plaintiff, collectively referred to as “Plaintiffs”) opted in to the conditionally certified  
9 collective action.

10 The parties have reached a settlement resolving all of Plaintiffs’ claims in this case  
11 and have submitted the Settlement Agreement for the Court’s approval. Normally, the Court  
12 does not rule on a private settlement negotiated between parties. But because Ms. Rose filed  
13 a FLSA action against Defendant, the parties must seek approval of their stipulated  
14 settlement in order to ensure the enforceability of the Settlement Agreement. *Lynn’s Food*  
15 *Stores, Inc. v. United States*, 679 F.2d 1350, 1354 (11th Cir. 1982); *see also Thornton v.*  
16 *Solutionone Cleaning Concepts, Inc.*, 2007 WL 210586 \*3 (E.D. Cal. Jan. 26, 2007). The  
17 Court may approve the settlement if it reflects a “reasonable compromise over issues.”  
18 *Lynn’s*, 679 F.2d at 1354.

19 The Court has reviewed the proposed Settlement Agreement and finds it reflects a  
20 knowing, voluntary, fair, and reasonable resolution of the issues. The Court therefore will  
21 approve the Settlement Agreement.

22 Accordingly,

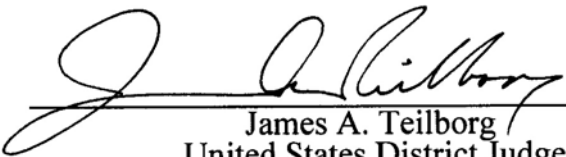
23 **IT IS ORDERED** GRANTING in part Defendant’s Motion to Seal (Doc. 154). The  
24 Clerk shall file Exhibit A to the proposed Settlement Agreement, which is currently lodged  
25 at Docket 155, under seal. The Clerk shall not seal the remainder of the Settlement  
26 Agreement filed at Docket 155; only Exhibit A will be sealed. The remainder of the  
27 Settlement Agreement shall be filed into the record.

1           **IT IS FURTHER ORDERED** GRANTING the parties’ Joint Motion for Approval  
2 of Settlement Agreement and Dismissal with Prejudice (Doc. 151).

3           **IT IS FURTHER ORDERED** that the Settlement Agreement is approved in all  
4 respects and that the Clerk shall dismiss this case with prejudice.

5           **IT IS FURTHER ORDERED** DENYING as moot the parties’ Sealed Joint Motion  
6 to Approve Settlement and Enter Final Judgment (Doc. 157) because the Court has granted  
7 the Joint Motion for Approval of Settlement Agreement found at Docket 151.

8           DATED this 28th day of June, 2011.

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12   James A. Teilborg  
13   United States District Judge  
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