

1 WO
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Robin L Poehler,

10 Plaintiff,

11 v.

12 Debra Fenwick, et al.,

13 Defendants.
14

No. CV-15-01161-PHX-ESW

ORDER

15 The Court has considered the parties' Joint Motion to Approve Settlement of
16 FLSA Action (Doc. 59) and Declaration of Jarrett J. Haskovec in Support of Motion to
17 Approve Settlement of FLSA Action (Doc. 60).

18 In the context of suits brought directly by employees against their employer to
19 recover back wages for violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et
20 seq. ("FLSA"), the parties must present any proposed settlement to the district court, and
21 the Court may enter a stipulated judgment after scrutinizing the settlement for fairness.
22 *See Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982)
23 (citing 29 U.S.C. § 216); *see also Brooklyn Sav. Bank v. O'Neil*, 324 U.S. 697 (1945)
24 (requiring the approval of the court or Department of Labor for FLSA settlements, and
25 explaining the deferential standard for judicial review when the parties are represented by
26 counsel). Because this case has been brought under the FLSA for the recovery of back
27 wages, the parties seek judicial approval of the settlement prior to entering judgment in
28 this action. The parties have attached the proposed settlement agreement to the joint

1 motion. (Doc. 59-1, Ex. A.) The Court may approve the settlement if it reflects a
2 “reasonable compromise over issues.” *Lynn’s*, 679 F.2d at 1354.

3 The Court has reviewed the complaint, the parties’ joint motion, and the terms of
4 the proposed settlement agreement, and finds that the settlement agreement reflects a fair
5 and reasonable resolution of all issues. The parties have a bona fide dispute over both
6 liability and damages regarding statutory coverage and wages owed under the Fair Labor
7 Standards Act and Arizona Minimum Wage Act. The proposed settlement agreement
8 does not appear to be the product of collusion between the parties, nor does it appear to
9 be the result of fraud or overreaching on the part of Defendant. The Court concludes that
10 the proposed settlement agreement should be approved as a fair and reasonable
11 compromise of a bona fide dispute under the FLSA.

12 IT IS ORDERED granting the Joint Motion to Approve Settlement of FLSA
13 Action (Doc. 59).

14 IT IS FURTHER ORDERED that the District Court of Arizona hereby retains
15 continuing and exclusive jurisdiction over the parties, their attorneys, and this action as
16 may be necessary or appropriate to implement and/or enforce the Settlement Agreement.

17 Dated this 19th day of May, 2016.

18
19
20 

21 _____
22 Honorable Eileen S. Willett
23 United States Magistrate Judge
24
25
26
27
28