

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

SHAWN CADE, JR., on Behalf of Himself  
and Others Similarly Situated

PLAINTIFF

v.

No. 3:14-cv-239-DPM

PRITCHETT, INC., d/b/a Crossroads Trucks Wash;  
and CONSTANCE PRITCHETT

DEFENDANTS

ORDER

1. At the parties' joint request, the Court has reconsidered the settlement-approval issue. The Court appreciates the parties calling attention to the thoughtful opinion and order in *Schneider v. Habitat for Humanity International Inc.*, 2015 WL 500835 (W.D. Ark. 5 February 2015). Judge Brooks's reading of the cases is impeccable. But in the absence of clear direction from the Court of Appeals, this Court will follow the considered dictum in *D.A. Schulte, Inc. v. Gangi*, 328 U.S. 108, 113 & n.8 (1946). "This is the sort of message that, whether or not technically dictum, [a district court] must respect, given the Supreme Court's entitlement to speak through its opinions as well as through its technical holdings." *United States v. Skoien*, 614 F.3d 638,

641 (7th Cir. 2010) (*en banc*) (Easterbrook, C.J.). At the settlement stage, these cases present an unstable mixture of interests. The *Schneider* criteria address the circumstances in part. But daylight and a disinterested look better insure that the statute's purpose is not frustrated. After reconsideration, this Court reaffirms its earlier Order requiring judicial approval of the parties' proposed compromise.

2. The parties' proposed settlements are fair and reasonable. *No* 22. The fee component is modest and supported by contemporaneous time records. *No* 26. The settlements are approved except for the confidentiality provision. The Court will unseal the settlement agreements, and enter Judgment dismissing the case, unless a party files notice by 29 July 2015 that the lack of confidentiality is a deal breaker. If so, the case will move forward for resolution on the merits. Counsels' time records will remain sealed whether the settlement holds or not.

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Joint Motion, *No* 23, denied.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

23 July 2015