

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**STEPHEN MACLIN; RUBEN TOBIN;
DUSTIN ROBINSON; and GERARD
JOHNSON, all individually and on
behalf of others similarly situated**

PLAINTIFFS

v.

No. 4:12-cv-5-DPM

**MONTGOMERY AND SONS
CONSTRUCTION INC. and JOHN
MONTGOMERY, individually and
as owner/manager of Montgomery
and Sons Construction, Inc.**

DEFENDANTS

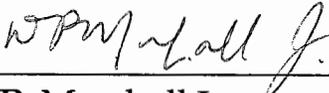
ORDER

The joint motion to approve the settlement agreement, *No 117*, is granted. The parties' proposed settlement is fair, reasonable, and adequate based on all the material circumstances. The Court considers four things: (a) the probability of success in the litigation; (b) the difficulties associated with collecting the award; (c) the complexity of the litigation involved, and the inconvenience and delay necessarily attending it; and (d) the interests of the parties and a proper deference to their reasonable views in the circumstances. *In re Flight Transportation Corp. Securities Litigation*, 730 F.2d 1128, 1135 (8th Cir. 1984).

The proposed settlement pays the Plaintiffs their alleged back-pay wages and full liquidated damages, satisfying their interests and achieving the litigation's primary goal. Montgomery and Sons, Inc. and John Montgomery will bear the Plaintiffs' litigation expenses and attorney fees without conceding fault. Settlement avoids the substantial costs of a trial, including delay, and brings final resolution to this case. In light of Plaintiffs being made more than whole, and applying all the *Flight Transportation* considerations, the Court approves the settlement.

The Court need not review the billing records; this litigation has been time consuming and complex. The tax documents and other discovery were voluminous. The Court is very familiar with counsel's work from the various hearings and many filings. Under the circumstances, the attorney fees are reasonable. And all parties have agreed to the deal on the proposed terms. The unopposed motion for attorney fees, *No 118*, is granted. The Court will enter judgment unless the parties advise of some consummation problem by 18 October 2013.

So Ordered.



D.P. Marshall Jr.
United States District Judge

2 October 2013