

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

ALISON JOLLY and MATTHEW JOHNSON,
Individually and on behalf of all others
similarly situated

PLAINTIFFS

v.

No. 4:16-cv-9-DPM

LULU CHI; JACOB CHI; and
JANSEN CHI

DEFENDANTS

ORDER

1. The Court appreciates the parties' continuing efforts to resolve their differences. The joint motion to approve their proposed settlement agreement and related papers, *No 49 & 51*, is granted as modified.

2. The proposed deal (with one change) is fair, reasonable, and adequate considering all the material circumstances. *In re Flight Transportation Corp. Securities Litigation*, 730 F.2d 1128, 1135 (8th Cir. 1984) (Richard S. Arnold, J.). Jolly and Johnson will get what they believe they're owed; the lawyers will get a reasonable fee for their work on the case; and any other former employee who opts in will get paid, with a reasonable slice going to the lawyers. The change: the Court does not approve Article 7 on confidentiality, and it is severed from the agreement, which the proposal allows to be done with unenforceable terms. *No 49-1 at ¶ 8.3*. The public, in

general, and potential members of the settlement group, in particular, are entitled to know all the terms of the deal. *No 70 in Delock v. Securitas Security Services USA, Inc.*, No. 4:11-cv-520-DPM.

3. Two loose ends.

First, Jolly and Johnson provided their lawyers' bill to the Court for in-chambers review rather than filing it under seal. *No 38*. The Court has relied on the bill in evaluating the reasonableness of the fee part of the proposed deal. So the bill needs to be in the record. The Court will have the Clerk file it under seal.

Second, when the parties file notice of consummation in a couple of weeks, the Court will dismiss with prejudice (as requested) but retain jurisdiction until 1 December 2017 to resolve any issues that may arise during administration of the settlement group. The parties should file a joint status report, including a sealed addendum listing opt-ins and payments, by 15 November 2017.

So Ordered.

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

8 June 2017