

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

DAVID BIRCH

PLAINTIFF

v.

No. 4:17-cv-384-DPM

RHD JR., INC., d/b/a Mayflower RV  
Sales & Service; ROBERT H. DUDLEY, JR.;  
and MARJORIE DUDLEY

DEFENDANTS

ORDER

The Court stumbled in not directing its usual proposed-settlement drill in the last slice of this FLSA case. The Court must evaluate the settlement for reasonableness. *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982); see also *Melgar v. OK Foods*, 902 F.3d 775, 779 (8th Cir. 2018). The settlement agreement filed under seal, No 49, also appears to be a draft. Plus, while the parties may certainly agree on what they may say about the deal, the agreement must be filed on the public docket. *Delock v. Securitas Security Services USA Inc.*, No. 4:11-cv-520-DPM, No 70 at 3-4. If that step is a deal breaker, then the parties should notify the Court. In that event, the motion, No 44, the discovery dispute, No 45, and the case will be put back on track for decision. Notice, or joint motion with the final proposed agreement and all supporting papers, due by 7 February 2019. Plaintiff's counsel may file their bill under seal or file a redacted version on the public docket.

So Ordered.

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

*25 January 2019*