

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

VICKI DIANE TODD

PLAINTIFF

v.

Civil No. 1:15-cv-1053

MYER COMPANION CARE, LLC,
D/B/A COMFORT KEEPERS

DEFENDANT

ORDER

Before the Court is the parties' Joint Motion to Approve Settlement Agreement and Dismiss Claims with Prejudice. ECF No. 18. The parties seek Court approval of their settlement agreement that has been submitted to the Court for *in camera* review.

Plaintiff brought this action against Defendant alleging violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.*, and the Minimum Wage Act of the State of Arkansas, Ark. Code Ann. § 11-4-201, *et seq.* The parties have reached an agreement that resolves all claims in this lawsuit.

Several courts have held that settlement agreements resolving wage claims are subject to court approval to ensure that the parties are not negotiating around statutory minimum wages. *See, e.g., Cruthis v. Vision's*, No. 4:12-cv-00244, 2014 WL 4092325 (E.D. Ark. Aug. 19, 2014); *Int'l Union, United Auto., Aerospace, and Agric. Implement Workers of Am. V. Gen. Motors Corp.*, 497 F.3d 615, 631 (6th Cir. 2007); *Lynn's Food Stores, Inc. v. U.S.*, 679 F.2d 1350, 1353 (11th Cir. 1982). Other courts have held that court approval of a settlement is not necessary in cases where the lawsuit is not a collective action, all plaintiffs have been represented by counsel throughout the entirety of the case, and the parties wish for their agreement to remain private.

Schneider v. Habitat for Humanity Int'l, Inc., No. 5:14-cv-5230, 2015 WL 500835, at *3 (W.D. Ark. Feb. 5, 2015).

While it appears to the Court that the settlement agreement in this case is of the type that does not require court approval, the Court has nonetheless reviewed the agreement submitted by the parties. Upon review, the Court finds that the settlement agreement is fair and reasonable to Plaintiff and that the compromise between the parties does not frustrate the requirements and implementation of the FLSA. *See Cruthis*, at *1. Accordingly, the Court finds that the Joint Motion to Approve Settlement Agreement and Dismiss Claims with Prejudice (ECF No. 18) is **GRANTED**. The confidential settlement agreement is approved, and Plaintiff's claims against Defendant are **DISMISSED WITH PREJUDICE**. The Court shall retain jurisdiction over the terms of the settlement agreement.

IT IS SO ORDERED, this 31st day of August, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge