

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

MAURICE PETROSE, individually and  
on behalf of all others similarly situated

PLAINTIFFS

v.

No. 2:21-CV-02097-MEF

FORSGREN, INC.

DEFENDANT

**OPINION AND ORDER**

This is a Fair Labor Standards Act (FLSA) and Arkansas Minimum Wage Act (AMWA) case in which Plaintiff, individually and on behalf of all others similarly situated, seeks unpaid overtime. (ECF No. 2). Following a settlement conference held on September 8, 2021, the parties filed a Joint Motion to Dismiss with Prejudice and for Approval of Settlement Agreement. (ECF No. 15). The parties also filed their Settlement Agreement and Release (ECF No. 15-1) and a Declaration from Plaintiff's counsel (ECF No. 15-2) in support of the motion. These documents demonstrate that the settlement is a fair, reasonable, and adequate compromise of a bona fide dispute, and there appear to be no terms in the settlement agreement that are contrary to public policy or tend to call into question whether the settlement is the product of arm's length negotiations regarding the merits of the case.<sup>1</sup>

IT IS, THEREFORE, ORDERED that the Joint Motion to Dismiss with Prejudice and for Approval of Settlement Agreement (ECF No. 15) is GRANTED. The parties' settlement

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<sup>1</sup> The settlement agreement contains a release of claims by the Plaintiffs. (ECF No. 15-1, ¶ 5.1, p. 7). The release is limited to wage related claims arising from Defendant's alleged failure to properly pay overtime by failing to include non-discretionary bonus payments in the regular rate for purposes of determining the amount of overtime due under state and federal Wage and Hour laws, and the Court construes the agreement as only containing a waiver of such wage-related claims. *Briggins v. Elwood TRI, Inc.*, 3 F.Supp.3d 1277, 1288-89 (N.D. Ala. 2014) (“[I]n order to be compensated consistent with the FLSA, an employee cannot be compelled to surrender other rights . . .”).

agreement is approved, and this case is DISMISSED WITH PREJUDICE on those terms.  
Judgment will be entered separately.

IT IS SO ORDERED this 8th day of November 2021.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE