1

2

3

4

5

6

7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10

11   RON BRUCKERT,   )
)
12   Plaintiff(s),   )   No. C06-6920 BZ
)
13   v.   )
)   **BRIEFING ORDER**
14   CITY OF CONCORD,   )
)
15   Defendant(s).   )
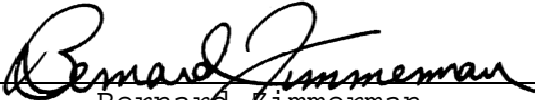   ─────────────────────────────)

16

17   Before the court is a stipulation for entry of a judgment

18   approving the settlement of a complaint alleging a violation

19   of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 et

20   seq. The settlement is between the City of Concord and a

21   substantial number of police personnel who have consented to

22   join in the settlement. As numerous cases have explained,

23   because employees cannot waive their FLSA claims, such claims,

24   and accompanying claims for attorney's fees, can be settled

25   only with the approval of the Secretary of Labor or a District

26   Court. See e.g. Lee v. The Timberland Co., 2008 WL 2492295 at

27   *2, (N.D. Cal.). The approval process requires a court to

28   scrutinize the settlement for fairness and determine "whether

1

1 the settlement is a fair and reasonable resolution of a bona

2 fide dispute." <u>Yue Zhou v. Wang's Restaurant</u>, 2007 WL 172308

3 at *1, (N.D.Cal.). The primary focus of the court's inquiry

4 is to insure that the employer has not taken advantage of its

5 employees in reaching a settlement. <u>See</u> <u>Collins v. Sanderson</u>

6 <u>Farms, Inc.</u>, 2008 WL 2811225 at *3 (E.D. La.) and cases

7 discussed therein.

8 Here, the parties have provided the court with little

9 information other than the fact that they have reached a

10 settlement to which a substantial number of employees have

11 consented. The fact that the settlement was reached as part

12 of an adversarial process is, by itself, not enough to

13 establish that the settlement was reasonable. <u>Id</u>. at *4.

14 **IT IS THEREFORE ORDERED** that by **Monday, October 6, 2008**,

15 the parties shall provide the court with additional

16 information which will enable it to meaningfully review the

17 settlement and make a determination as to its reasonableness.

18 Dated: September 18, 2008

19 _____

20   Bernard Zimmerman
                         United States Magistrate Judge

21

   G:\BZALL\-BZCASES\BRUCKERT\BRIEFING ORDER.wpd

22

23

24

25

26

27

28