

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 09-cv-01632-CMA-NYW

MARK SMITH, individually and on behalf of other similarly situated persons,

Plaintiff,

v.

PIZZA HUT, INC.,

Defendant.

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**ORDER GRANTING APPROVAL  
OF SETTLEMENT**

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WHEREAS:

- A. On March 20, 2015, Plaintiffs in the above-captioned action (the “Action”) filed with this Court an Unopposed Motion for Approval of Collective Action Settlement (Doc. # 464), and submitted to the Court the parties’ Confidential Settlement Agreement and Release of Claims (“Settlement”).
- B. This Court has reviewed the submissions presented with respect to the Settlement.
- C. All capitalized terms in this Order Granting Approval of Settlement (“Approval Order”) that are not otherwise defined have the same meaning as in the Settlement Agreement.

NOW THEREFORE, after due deliberation, this Court hereby ORDERS that:

1. The parties Unopposed Motion to Approve Collective Action Settlement (Doc. # 464) is GRANTED.
2. This Approval Order will be binding on the Named Plaintiff and Drivers, as defined in the Settlement Agreement.
3. The Settlement is fair, reasonable, and adequate, is in the best interests of the Class Members and should be approved, especially in light of the benefits to the Class Members accruing therefrom, the substantial discovery and investigation conducted by Counsel prior to the proposed Settlement, and the complexity, expense, risks, and probable protracted duration of further litigation.
4. The Settlement is hereby approved in accordance with Section 216 of the Fair Labor Standards Act and shall be consummated in accordance with its terms.
5. The service award to the Named Plaintiff as set forth in the Settlement is hereby approved in accordance with the terms of the Settlement.
6. Class Counsel's attorneys' fees and expenses in the amounts set forth in the Settlement are hereby approved.
7. Without affecting the finality of this Order of Approval, this Court retains exclusive jurisdiction over the consummation, performance, administration, effectuation, and enforcement of this Order of Approval. In addition, without affecting the finality of this Order of Approval, this Court retains jurisdiction over Defendant, the Named Plaintiff, and each Driver for the purpose of

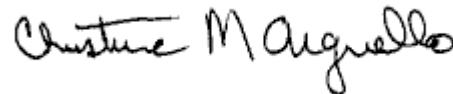
enabling any of them to apply to the Court for such further orders and directions as may be necessary or appropriate for the construction and implementation of the terms of the Settlement and this Order of Approval.

8. This Action is hereby DISMISSED in its entirety, on the merits, as against Defendant WITH PREJUDICE, and without costs to any party, except to the extent otherwise expressly provided in the Settlement. This Court intends this Order of Approval to be "Final" within the meaning of the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

DATED: March 26, 2015

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge