

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Master Docket No. 06-cv-17430-WYD-CBS (MDL Docket No. 1743)

IN RE AMERICAN FAMILY MUTUAL INSURANCE CO. OVERTIME PAY LITIGATION

ORDER GRANTING PRELIMINARY APPROVAL OF FLSA SETTLEMENT

This Order Relates to *Baldozier v. American Family*, Case No. 04-cv-02174, and
Schultz v. American Family, Case No. 06-cv-00322¹

THIS MATTER is before the Court on the parties Joint Motion for Preliminary Approval of Collective Action Settlement, filed September 23, 2010 [ECF No. 414]. Upon consideration of the terms of the proposed Settlement Agreement and the papers submitted in support of the motion for preliminary approval of the settlement, it is hereby

ORDERED that the motion is **GRANTED**. I find that the settlement is non-collusive and within the range of reasonableness such that notice of the settlement to Collective Action Members is appropriate. It is

FURTHER ORDERED that within 7 days of entry of this Order, Counsel for Collective Action Members in the *Schultz* and *Baldozier* actions shall mail to those

¹This matter is a consolidated action for unpaid overtime compensation and related penalties and damages brought pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), and various states' wage and overtime laws. The action is comprised of two consolidated cases including *Rocky Baldozier, et al. v. American Family Mutual Insurance Co.*, Case No. 04-cv-02174, initially filed in this court on October 20, 2004 (the "*Baldozier* case"), and a case initiated in the Northern District of Illinois styled *Robert Schultz v. American Family Mutual Insurance Co.*, Civil Case No. 06-cv-00322 (Northern District of Illinois Civil Case No. 04-cv-05512) (the "*Schultz* case"). The cases were consolidated by the Judicial Panel on Multidistrict Litigation ("MDL") and transferred to this Court as a single case on February 13, 2006.

Collective Action Members the Notice of Settlement attached hereto as Exhibit 1 and the Claim Form attached hereto as Exhibit 2. It is

FURTHER ORDERED that Collective Action Members shall have 30 days from the mailing of the Notice of Settlement and Claim Form to (1) return the Claim Form accepting the settlement; or (2) withdraw their Consents to Join the Schultz or Baldozier FLSA collective actions. (Claim Forms and withdrawals shall be timely if postmarked within 30 days of the mailing of notice.) Each of the 111 persons listed on Exhibit 3 shall be deemed to have accepted the settlement and to have timely submitted a Claim Form, unless he or she timely submits a written request to Counsel for Collective Action Members to withdraw his or her Consent to Join. It is

FURTHER ORDERED that Collective Action Members shall also have 30 days after the mailing of notice to submit written comments on the terms of the proposed settlement to Counsel for Collective Action Members. Counsel for Collective Action Members shall furnish copies of such comments to opposing counsel and file such comments with the Court in advance of the final approval hearing. It is

FURTHER ORDERED that if the settlement is granted final approval, Collective Action Members who do not timely withdraw their Consents to Join, (1) shall be bound by the judgment in these actions, (2) shall release the Released Claims, as defined in the Settlement Agreement, even if they will not be entitled to payment under the Settlement Agreement, and (3) shall be enjoined from prosecuting any Released Claims against American Family. It is

FURTHER ORDERED that this Court will hold a hearing on whether to grant final

approval to the Settlement on **Friday, December 10, 2010, at 1:30 p.m.**, 901 19th
Street, Courtroom A1002, Tenth Floor, Denver, Colorado.

Dated: October 6, 2010.

BY THE COURT:

s/ Wiley Y. Daniel
WILEY Y. DANIEL
CHIEF UNITED STATES DISTRICT JUDGE