

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 11-cv-00017-REB-CBS

ERIN MILLER and JILL MILLER,
on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

STARTEK USA, INC., a corporation

Defendant.

**ORDER OF FINAL APPROVAL OF SETTLEMENT
AGREEMENT AND FOR ENTRY OF FINAL JUDGMENT**

Blackburn, J.

This action came before the court for hearing on May 11, 2012, to determine the fairness of the proposed Settlement Agreement that was the subject of this court's **Order Granting Parties' Joint Motion for Preliminary Approval of Settlement Agreement and Request for Hearing** [#88]¹ filed January 27, 2012. In that order, the court certified the Settlement Class, appointed Settlement Class Counsel, and preliminarily approved the Settlement Agreement² between plaintiffs and defendant. The court also approved forms of Notice and Claim Forms and directed Implementation of the Notice Plan, including mailing Notice to Class Members, all in conformity with the Settlement Agreement.

The court has considered all arguments in connection with the proposed Settlement Agreement and the record of this case, including but not limited to the fairness hearing held on

¹ "[#88]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

² The definitions used in the Settlement Agreement are incorporated herein by reference and are adopted for use herein.

May 11, 2012. The Settlement Agreement on file in this action is by this reference incorporated and made part of this order. The court finds and concludes that the settlement is, in all respects, fair, reasonable, and adequate to the Settlement Class Members, and was made in good faith. The forms of Notice and Notice Plan satisfy all requirements of federal law and due process. There is no just reason for delay in either the enforcement or appeal of this order.³

Accordingly, the court finds it appropriate to enter on order for final judgment and approve the proposed settlement as fair, adequate, and reasonable.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. That final approval of the proposed Settlement Agreement is **GRANTED**;
2. That the Settlement Agreement is **APPROVED** as fair, adequate and reasonable;
3. That defendant is **DIRECTED** to implement its payment obligations under the Settlement Agreement;
4. That judgment **SHALL ENTER** in accordance with the parties' Settlement Agreement, and the settling parties are directed to perform and carry out their respective obligations under the Settlement Agreement as approved by this order for final judgment and otherwise consistent therewith;
5. That on the Effective Date, defendant shall be **RELEASED** and forever **DISCHARGED** as set forth in the "Release" provisions of the Settlement Agreement and the Claim Form and Release;

³ The entry of this order does not constitute an expression by the court of any opinion, position, or determination as to the merit or lack of merit of any of the claims or defenses of defendant or plaintiffs. Neither this order, nor the Settlement Agreement, nor the fact of settlement, nor the settlement proceedings, nor settlement negotiations, nor any related document, shall be used as an admission of any fault or omission by defendant, nor received into evidence as an admission, confession, presumption, or inference of any wrongdoing by defendant in any proceeding other than such proceedings as may be necessary to enforce this final judgment.

6. That all claims asserted against defendant in this action in the Complaint, except for claims under the Fair Labor Standards Act (“FLSA”) and those claims asserted by Settlement Class Members who have excluded themselves from the Settlement, including, without limitation, the above pending proceedings, are **DISMISSED WITH PREJUDICE**;

7. That the FLSA claims against defendant in this action, including, without limitation, the above pending proceedings in this collective action, are hereby **DISMISSED WITH PREJUDICE** as to all Class Representatives and each Class Member who submitted a Claim Form and Release;

8. That Settlement Class Members retain all rights not released or adjudicated by the Settlement Agreement or this final judgment; and

9. That without affecting the finality of this order in any way, the court retains continuing jurisdiction to award attorney fees, costs, and payments to class representatives, to interpret and enforce the Settlement Agreement, this order, and the corresponding final judgment, and to ensure compliance with the final judgment and the Settlement Agreement.

Dated May 17, 2012, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge