

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No 13-cv-00734-RBJ

ALLISON MACDOUGALL,

Plaintiff,

v.

MANPOWERGROUP US, INC. and
IBM CORPORATION,

Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER having come before the Court on the parties' *Unopposed Motion for Approval of the Parties' Negotiated Settlement of this Case and for Dismissal with Prejudice* (Dkt. No. 43), and the Court being fully advised in the matter,

The Court hereby finds as follows:

1. This is an action brought under the federal Fair Labor Standards Act, 29 U.S.C. §201, *et seq.* and Colorado State law. Plaintiff alleges Defendant owes her unpaid overtime compensation for certain hours worked.
2. As detailed in the Parties' unopposed Motion, the parties, represented by their respective counsel, engaged in good-faith, arm's length negotiations and have each reasonably compromised to settle all claims in this case.
3. Plaintiff, with the advice of counsel, has fully consented to and executed the final settlement agreement resolving all of the claims in this case.

4. Courts have held that settlements of FLSA actions such as this one require court approval. *Lynn's Food Stores, Inc. v. U.S.*, 679 F.2d 1350, 1353 (11th Cir. 1982); *Abeyra, et al. v. CF&I Steel, L.P.*, 1:11-cv-00663-RBJ, 2012 U.S. Dist. LEXIS 126166, *9-10 (D. Colo. Sept. 5, 2012) (Jackson, J.). Approval should be granted when:

- a. the FLSA settlement is reached as a result of contested litigation;
- b. a bona fide dispute exists between the parties; and
- c. the settlement is fair and reasonable.

Lynn Food Stores, 679 F.2d at 1355; *Abeyra*, at *9-10.

5. The court finds that the Confidential Settlement Agreement and General Release into which the parties have entered meets all of the above listed requirements and, additionally finds that the attorneys' fee, expense, and costs to be paid to Plaintiff's attorney pursuant to the settlement are reasonable under the circumstances.

THEREFORE, the Court ORDERS:

1. The parties' Confidential Settlement Agreement and General Release is hereby approved.
2. All claims of the Plaintiff in this case are hereby dismissed with prejudice on the merits, with the parties to bear their own attorneys' fees and costs, except as otherwise set forth in the Confidential Settlement Agreement and Release.

DATED this 17th day of January, 2014.

BY THE COURT:



R. Brooke Jackson
United States District Judge

