

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

Civil Action No 14-cv-00121-RBJ

RYAN MAY, individually and on behalf of All Others Similarly Situated,

Plaintiff,

v.

E & J WELL SERVICE, INC.,
and ELDON MARTIN,

Defendants.

ORDER APPROVING SETTLEMENT AGREEMENT

The court has reviewed the Plaintiffs' Motion for Approval of Settlement [ECF No. 79] and all of the exhibits attached thereto, including the terms of the Settlement Agreement. In the Plaintiffs' operative Complaint, they alleged that the Defendants violated the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq., by misclassifying a portion of their workforce as independent contractors and failing to pay the correct amount of overtime for hours worked in excess of forty hours in a workweek. The case was conditionally certified as a collective action and notice issued. Fifteen individuals filed consents to join the action and remain part of this action. The parties have jointly moved for approval of a settlement agreement and to enter an order dismissing this case.

The FLSA provides that "any employer who violates the provisions of section 206 or 207

of this title shall be liable to the employee ... affected in the amount of unpaid wages, or their unpaid overtime compensation, as the case may be“ 29 U.S.C. § 216(b). FLSA claims may be compromised after the court reviews and approves a settlement in a private action for back wages under 29 U.S.C. § 216(b). *Lynn’s Food Stores, Inc. v. United States, U.S. Dep’t of Labor*, 679 F.2d 350, 1353 (11th Cir.1982). If the settlement reflects “a reasonable compromise over issues,” the court may approve it. *Id.* at 1354.

In this case, there are genuine disputes over whether defendant violated the FLSA and the amount, if any, of overtime pay due. This court has reviewed the Settlement Agreement and finds that the amount to be paid to the plaintiffs and the amount of attorney’s fees and expenses provided for in the settlement agreement are fair and reasonable. This court approves the proposed settlement as a fair and reasonable compromise of a bona fide dispute under the FLSA. The motion for approval is granted.

DATED this 22nd day of September, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brooke Jackson", written in a cursive style.

R. Brooke Jackson
United States District Judge