

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: 14-cv-00725-KMT

LUIS GALINDO on his own behalf and
on behalf of all others similarly situated,

Plaintiff,

v.

CCRC, INC. d/b/a AGAVE MEXICO BISTRO
AND TEQUILA HOUSE, M. DEL R.C., INC. and
RENE CERVANTES, JR.

Defendants.

~~PROPOSED~~ ORDER

This matter is before the court on the Renewed Joint Motion for Order [Doc. No. 54]. Having considered the Motion and being otherwise fully advised in the premises, I grant the motion and enter appropriate orders.


THEREFORE, IT IS ORDERED as follows:

1. Opt-In Plaintiff Gabriel Quezada affirmatively opted-in to this action. [Doc. No. 43-1 at p. 4]
2. The Notice of Your Right to Join Unpaid Overtime Lawsuit [Doc. No. 17-1] and the Consent to Join form filed by Plaintiff Quezada [Doc. No. 43-1 at p. 4] both describe Plaintiff Quezada's consent to be governed by the terms of any settlement reached by the named Plaintiff in this action.

3. Because Opt-In Plaintiff Quezada affirmatively opted-in to the action, he will be bound by the terms any settlement agreement reached between the parties in this action. See, *Deem v. Triplett Striping, Inc.*, 2012 WL 5353607, at *1 (S.D. Ind. Oct. 30, 2012) *report and recommendation adopted*, 2012 WL 5845328 (S.D. Ind. Nov. 19, 2012) (“[O]nce an employee consents to being part of the collective action, any settlement or adjudication of the claims by the named Plaintiffs also binds the unnamed collective group members.”); *Tijero v. Aaron Bros., Inc.*, 2013 WL 60464, at *8 (N.D. Cal. Jan. 2, 2013) (“...those claimants who affirmatively opt-in by providing a written consent are bound by the results of the action.”) (citing *McElmurry v. U.S. Bank Nat. Ass’n*, 495 F.3d 1136, 1139 (9th Cir.2007); *La Parne v. Monex Deposit Co.*, 2010 WL 4916606, at *3 (C.D. Cal. 2010) (“only class members who affirmatively ‘opt-in’ to the Settlement should be bound by the Settlement’s release of FLSA liability”).

IT IS SO ORDERED this 14th day of May, 2015, at Denver, Colorado.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge

Approved by:

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