

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

Civil Action No 15-cv-00997-RBJ

CHAD HEBERT, individually and on behalf of all others similarly situated,

Plaintiff,

v.

E & J WELL WERVICE INC. and
ELDON MARTIN,

Defendant.

ORDER APPROVING SETTLEMENT AGREEMENT

The court has reviewed the Joint Motion for Approval of Settlement [ECF No. 36] and all of the exhibits attached thereto, including the terms of the Settlement Agreement. In the Plaintiff's operative Complaint, he alleges that the Defendants violated the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq., by misclassifying him as an independent contractor and failing to pay the correct amount of overtime for hours worked in excess of forty hours in a workweek. 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 plaintiff 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", with a long, sweeping flourish extending to the right.

R. Brooke Jackson
United States District Judge