

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 16-cv-01947-RM-KLM

IDALY MARTINEZ on her own behalf and on behalf of all others similarly situated,

Plaintiff,

v.

RIAL DE MINAS, INC.,
RIAL DE MINAS II, INC.,
RIAL DE MINAS III, INC.,
RIAL DE MINAS IV, INC.,
JUAN LUEVANOS,
MARIA LUEVANOS, and,
MELISSA LUEVANOS,

Defendants.

FINAL JUDGMENT AND ORDER OF DISMISSAL

This is a certified¹ class and collective action in which the Court has approved the parties' settlement (ECF No. 54). This matter is now before the Court on the parties' Stipulated Dismissal With Prejudice (the "Stipulation") (ECF No. 55) filed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). Rule 41(a)(1)(A), however, is "subject to Rule[] 23(e)" governing class action settlements and dismissals. And, under Rule 23(e) "[t]he claims, issues, or defenses of a certified class—or a class proposed to be certified for purposes of settlement—may be settled, voluntarily dismissed, or compromised only with the court's approval." Accordingly, the Court construes the parties' Stipulation as a motion requesting (a) final judgment on the March 4, 2019, Order approving the

¹ For settlement purposes.

Joint Motion for Final Approval of Class and Collective Action Settlement, which Order (ECF No. 54) is incorporated herein by reference, and (b) an order of dismissal. *See* Fed. R. Civ. P. 23(e)(1)(B)(ii) (“The following procedures apply to a proposed settlement, voluntary dismissal, or compromise: ... certify the class for purposes of *judgment* on the proposal.” (emphasis added).)

Based on the March 4, 2019 Order and the Stipulation, it is ORDERED

- (1) That the Stipulation (ECF No. 55), construed as a motion, is GRANTED;
- (2) That this Final Judgment and Order of Dismissal (a) is binding on all class and collective action members; and (b) dismisses this action in its entirety; and
- (3) That the Clerk shall close this case.

SO ORDERED.

DATED this 29th day of August, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Raymond P. Moore', written over a horizontal line.

RAYMOND P. MOORE
United States District Judge