

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ALAN MEYER and DAVID CORNELIUS,
individually and on behalf of
all others similarly situated,

Plaintiffs,

1:17-cv-2565 (EGS) (GMH)

v.

PANERA, LLC,

Defendant.

ORDER

Plaintiffs Alan Meyer and David Cornelius brought this putative collective action pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, and the District of Columbia Minimum Wage Act ("DCMWA"), D.C. Code § 32-1001 *et seq.* On March 30, 2018, the Court referred this case to Magistrate Judge G. Michael Harvey for full case management, up to but excluding trial. See Minute Order dated March 30, 2018. The parties resolved their disputes, and plaintiffs filed an unopposed motion for settlement approval, service payments, attorney's fees and costs. See Pls.' Mot., ECF No. 49. Magistrate Judge Harvey issued a Report and Recommendation ("R&R") on March 6, 2019, recommending that the parties be ordered to revise and resubmit their proposed notice of settlement so that the notice accurately reflects the settlement agreement's terms regarding allocation of attorney's fees and costs. See R&R, ECF No. 50 at 26. The have

parties filed a revised notice of settlement that comports with the R&R, and a statement of non-objection to the R&R. See Revised Notice and Statement of Non-Objection, ECF No. 51. The Court has carefully reviewed the R&R and, having received no objections to the R&R pursuant to Local Civil Rule 72.3(b), accepts the findings and adopts the recommendations of Magistrate Judge Harvey contained in the R&R.

Accordingly, upon consideration of the R&R, and the revised notice of settlement, it is hereby

ORDERED that the settlement in this Fair Labor Standards Act ("FLSA") action is fair, reasonable, and just. The settlement is approved, and the terms of the agreement are incorporated herein; and it is

FURTHER ORDERED that, for settlement purposes only, this case is certified as a collective action under Section 216(b) of the FLSA; and it is

FURTHER ORDERED that plaintiffs' proposed Revised Notice of Settlement and Consent to Join Form, the plan for their distribution, and the service payments are approved; and it is

FURTHER ORDERED that plaintiffs' counsel's request for attorneys' fees and costs and expenses is granted; and it is

FURTHER ORDERED that this action is dismissed without prejudice, which will become dismissal with prejudice upon fulfillment of all the settlement's terms. Defendant will file a

motion for entry of dismissal with prejudice and termination of the case upon fulfillment of those terms; and it is

FURTHER ORDERED that this Court shall retain jurisdiction to enforce the settlement.

SO ORDERED.

Signed: Emmet G. Sullivan
United States District Judge
March 29, 2019