

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CYNTHIA HAIN, *et al.*,

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Plaintiffs,

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Civil Action No. 14-cv-13755-IT

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v.

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WALGREEN CO., *et al.*,

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Defendants.

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PRELIMINARY ORDER ON JOINT MOTION FOR APPROVAL OF SETTLEMENT

September 9, 2016

TALWANI, D.J.

Upon review of the written settlement agreement in this Fair Labor Standards Act (“FLSA”) action, the court finds that the terms of the proposed settlement concerning the compromise and release of wage and hour claims and payment of attorney’s fees to be a fair and reasonable resolution of a bona fide dispute over FLSA claims. The court does not find the non-economic terms to be fair and reasonable, however. Specifically, the court finds the following provisions to be in tension with the remedial purposes of the FLSA: paragraph 8(e) prohibiting plaintiffs from assisting others; paragraph 9 on Confidentiality and Agreement Not to Publicize; paragraph 10 providing for liquidated damages; and the supplement to paragraph 8 prohibiting plaintiffs’ future employment with Walgreens.

Accordingly, the parties shall promptly advise the court if they seek approval of the settlement with paragraphs 8(e), 9 and 10, and the supplement to paragraph 8 prohibiting plaintiffs’ future employment with Walgreens stricken (in which case, the court will approve the

so-modified settlement agreement), or if they decline to agree to the court striking those provisions.

IT IS SO ORDERED.

September 9, 2016

/s/ Indira Talwani  
United States District Judge