

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JAMES WALKER,)
Individually And On Behalf Of)
All Others,)
)
Plaintiffs,)
)
vs.)
)
MCLANE/MIDWEST, INC.)
)
Defendant.)

Case No.: 2:14-cv-04315-NKL

ORDER

This matter having come before the Court on October 23, 2015, upon the Parties’ Joint Motion for Final Approval of Class Action Settlement (Doc. 27), the evidence and arguments of counsel presented at the Court’s Final Fairness Hearing, and the submissions filed with this Court, IT IS HEREBY ORDERED AND ADJUDGED as follows:

On November 10, 2014, Plaintiff James Walker (herein after referred to as the “Named Plaintiff”) filed the above-captioned lawsuit on behalf of himself and a putative class (“Lawsuit”) against Defendant Mclane/Midwest, Inc. The Lawsuit was removed to this Court on December 5, 2014 based on federal question jurisdiction. The Named Plaintiff asserted class claims against Defendant under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.*

Defendant denied any and all liability alleged in the Lawsuit.

After extensive arms-length negotiations and a mediation with esteemed mediator Richard Sher, the Named Plaintiff and Defendant entered into a Settlement Agreement, which was revised and submitted to the Court on June 30, 2015.

On July 20, 2015, upon consideration of the Parties' Settlement Agreement and Motion for Preliminary Approval, the Court entered an Order preliminarily approving the Settlement Agreement and certifying a settlement class in accordance with the terms of the Parties' Agreement. (Doc. 26). Pursuant to the Order, the Court, among other things, (1) preliminarily approved the parties Settlement Agreement, including Class Counsel's request for attorneys' fees and an incentive award to the Named Plaintiff; (2) conditionally certified the settlement class; (3) designated Charles Jason Brown and Jayson A. Watkins as Class Counsel, and Named Plaintiff as representative for the Class; (4) approved the form class notice; and (5) set the date for the Final Fairness Hearing

On October 23, 2015, the Parties filed their Motion for Final Approval of Class Action Settlement.

On October 23, 2015, at 11:00 a.m. CST, a Final Fairness hearing was held pursuant to Fed. R. Civ. P. 23, to determine whether the Lawsuit satisfies the applicable prerequisites for class action treatment; whether the proposed settlement is fair, reasonable, and adequate; and whether the settlement should be finally approved by the Court.

The Parties now request that the Court finally certify the settlement classes under Fed. R. Civ. P. 23(b)(3), and enter final approval of the proposed class action settlement.

Upon reading and duly considering the Parties Settlement Agreement, Motions, and statements, the Court finds as follows:

1. The Court has jurisdiction over the subject matter of the Lawsuit and over all settling parties hereto.

2. Pursuant to Fed. R. Civ. P. 23(b)(3), the Lawsuit is hereby certified as a class action on behalf of the following Class Members:

All employees or prospective employees of the Defendant in the United States who were the subject of a consumer report procured on or after January 28, 2012 through DATE and who executed the FCRA disclosure form in use during this period.

3. Charles Jason Brown and Jayson A. Watkins are designated as Class Counsel.

James Walker is designated as representative for the Class.

4. Pursuant to the Court's Order of preliminary approval, the approved class notices were mailed to Class Members on August 17, 2015. The notices satisfied the requirements of Fed. R. Civ. P. 23(c)(2)(B) and due process, and constituted the best notice practicable under the circumstances.

5. There was two (2) opt out class members and no objecting class members. As a result, all members of the class, are bound by this order and are permanently enjoined from commencing, prosecuting, or maintaining any claim already asserted in, encompassed by, or released in connection with, this action.

6. The Court finds that the settlement of the Lawsuit, on the terms and conditions set forth in the Parties' Settlement Agreement is fair, reasonable, and adequate in light of the benefit to the Class Members; the complexity, expense, and probable duration of further litigation; the inherent risk and delay in litigation and the appeals process; and the potential for recovery in this case.

7. Within thirty (30) days from the date of this Order, the Parties' settlement administrator shall mail a check for the net settlement amount, as provided for in the Parties' Settlement Agreement, to each Class Member who has not opted out of the Class.

8. The Parties recommendation of the U.S. Committee for Refugees and Immigrants as the *cy pres* beneficiary is consistent with promoting the rule of law and is approved.

9. The incentive award to the Named Plaintiff is approved and Named Plaintiff is permanently barred and enjoined from instituting or prosecuting any of the claims release in the Settlement Agreement.

10. It is hereby ORDERED that the Lawsuit is hereby DISMISSED WITH PREJUDICE in all respects.

11. The Court retains continuing and exclusive jurisdiction of the Parties regarding all matters relating to the Lawsuit, including the administration, consummation, and enforcement of the Settlement Agreement.

For the foregoing reasons and as stated above, the Court grants the Parties' Joint Motion for Final Approval of Class Action Settlement.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: October 23, 2015
Jefferson City, Missouri