

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

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|---|---|-----------------------|
| CORTEZ CODY, |) | |
| Individually and on behalf of all others, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | No. 2:15-cv-04009-NKL |
| v. |) | |
| |) | |
| INDUSTRIAL STAFFING SERVICES, |) | |
| INC., |) | |
| |) | |
| Defendant. |) | |

ORDER

The parties have filed a Joint Motion for Final Approval of Class Action Settlement [Doc. 32.] For the reasons discussed below, the motion is granted.

On December 29, 2014, Plaintiff Cortez Cody, or the Named Plaintiff, filed the above-captioned Lawsuit on behalf of himself and a putative class asserting class claims against Defendant Industrial Staffing Services, Inc. under the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* The lawsuit was removed to this Court on January 26, 2015 based on federal question jurisdiction. Defendant denied any and all liability alleged in the Lawsuit.

After extensive arms-length negotiations, the Named Plaintiff and Defendant entered into a Settlement Agreement, which was submitted to the Court on October 8, 2015. [Doc. 30-2.]

On November 20, 2015, upon consideration of the Parties’ Settlement Agreement and the Joint Motion for Preliminary Approval of Class Action Settlement [Doc. 30], the Court entered an Order preliminarily approving the Settlement Agreement and certifying the settlement class in accordance with the terms of the Parties’ Agreement. [Doc. 31.] Pursuant to the Order, the Court, among other things, (1) preliminarily approved the parties’ Settlement Agreement,

including Class Counsel's request for attorney fees and an incentive award to the Named Plaintiff; (2) conditionally certified (for settlement purposes only) the settlement class consisting of all employees or prospective employees of the Defendant in the United States who were the subject of a consumer report procured between December 29, 2012 and May 28, 2015, and who executed any one of the FCRA disclosure forms attached to the parties' Joint Stipulation of Settlement; (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 March 2, 2016, the Parties filed their Motion for Final Approval of Class Action Settlement. [Doc. 32.]

On March 3, 2016, 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 class under Rule 23(b)(3), and enter final approval of the proposed class action settlement.

Upon consideration of the Parties' Settlement Agreement, motion, evidence submitted, and arguments, the Court finds and concludes 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 following class is finally certified for settlement purposes only:

All employees or prospective employees of the Defendant
in the United States who were the subject of a consumer

report procured between December 29, 2012 and May 28, 2015 and who executed any one of the FCRA disclosure forms attached to the parties' Joint Stipulation of Settlement.

3. Charles Jason Brown and Jayson A. Watkins are designated as Class Counsel. Cortez Cody is designated as representative for the Class.
4. Pursuant to the Court's Order of preliminary approval, the approved class notice was mailed to Class Members on December 14, 2015. The notice 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. All members of the class, with the exception of the three (3) opt-out members (identified in ¶ 12 of the Declaration of Christina Francisco submitted in support of the Joint Motion For Final Approval of Class Action Settlement, Doc. 32-2, p. 4) who timely excluded themselves from 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 forty-five (45) 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 U.S. Committee for Refugees and Immigrants as the *cy pres* beneficiary is consistent with promoting the rule of law and is approved.
9. Class Counsel sought approval of attorney fees and expenses in the amount of \$57,750.00, to be paid from the Settlement Fund. The request is approved.
10. The requested incentive award of \$6,000 to the Named Plaintiff, to be paid from the Settlement Fund, is approved. The Named Plaintiff is permanently barred and enjoined from instituting or prosecuting any of the claims released in the Settlement Agreement.
11. The requested payment for services provided by the Settlement Administrator in the amount of \$24,750.00, to be paid from the Settlement Fund, is approved.
12. 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.

In accordance with the foregoing, the Parties' Joint Motion for Final Approval of Class Action Settlement [Doc. 32] is granted and the Lawsuit is dismissed with prejudice.

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

Dated: March 3, 2016
Jefferson City, Missouri