

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

DANA COOPER, on behalf of)
herself and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
INTEGRITY HOME CARE, INC.,)
)
Defendant.)

Case No. 4:16-cv-01293-DGK

ORDER REQUESTING ADDITIONAL INFORMATION

Pending before the Court is the parties’ joint motion for preliminary approval of a class action settlement (Doc. 111). The parties seek Court approval of a comprehensive settlement (“the Settlement Agreement”) consisting of 1) an FLSA collective action opt-in settlement, and 2) a Rule 23 class action settlement. After reviewing the proposed Settlement Agreement, the Court requests further clarification as to the following:

First, the parties explain that if all eligible class members make claims, \$174,405.76 in total payments will be made to the class. The Court requests the parties best estimate as to (1) the percentage and total number of class members that will make claims (relative to the total number of eligible class members), and (2) the total amount—out of the possible \$174,405.76—that will ultimately be paid to the class.

Second, the Court understands the following example to be an accurate representation of the claims calculation process for a hypothetical class member:

Assuming an hourly rate of ten (\$10) dollars per hour, an eligible class member who worked a total of ten (10) overtime hours between January 1, 2015, and November 12, 2015, would be paid \$37.50 (seventy-five percent of \$50, which is one-half the regular rate of pay (\$5) times the total number of overtime hours (10)).

Third, given the parties' ability to calculate the maximum possible payment to the class (\$174,405.76), it appears that the parties are in possession of data specifying the number of overtime hours that each presumptive class member worked during the relevant period. Accordingly, the Court requests comment on whether it would be more accurate—and potentially increase the number of claims made—to include in each notice an individualized estimation of the amount that each class member is entitled to under the Settlement Agreement.

The parties shall provide the requested additional information no later than December 18, 2017.

IT IS SO ORDERED.

Dated: December 5, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT