

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELLA SHILLINGFORD, *et al.*,

Plaintiffs,

v.

ASTRA HOME CARE, INC. d/b/a "TRUE  
CARE HOME HEALTH CARE," MICHAEL  
WERZBERGER, REBECCA  
ROSENZWEIG, and JOHN DOES #1-10,

Defendants.

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16 Civ. 6785 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On November 26, 2019, Plaintiffs, excluding Plaintiff Erica Jacob Spencer, and Defendants filed a joint motion for approval of their settlement agreement, as well as a copy of the settlement agreement itself. (Dkt. #107). The Court has reviewed the settlement documents for fairness in accordance with the FLSA and Second Circuit law, *see, e.g., Cheeks v. Freeport Pancake House*, 796 F. 3d 199 (2d Cir. 2015), *Lopez v. Nights of Cabiria*, 96 F. Supp. 3d 170 (S.D.N.Y. 2015), and *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332 (S.D.N.Y. 2012), and finds that the proposed judgment is fair. The Court notes that the attorneys' fees, provided for in this letter, were calculated using the lodestar method, and represent slightly more than one-third of the total judgment amount, after reimbursement for out-of-pocket expenses (36.5% of the total judgment, net costs). Nevertheless, the total fees sought, when compared to the lodestar as supported by detailed billing records, results in a

lodestar multiplier of less than one. Therefore, the Court concludes the request for attorney's fees and costs is reasonable. It should be noted, however, that the Court is not in this endorsement opining specifically on the reasonableness of the rates charged by the attorneys and paralegals representing Plaintiffs.

Accordingly, the Settlement Agreement between Plaintiffs, excluding Plaintiff Spencer, and Defendants, is approved. The parties are directed to file a fully executed copy of the proposed stipulation of partial dismissal.

SO ORDERED.

Dated: December 4, 2019  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge