

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEYMOUR JONES, and KENNETH ROSE,

Plaintiffs,

-v-

NYC CRANE HOIST & RIGGING, LLC., and THOMAS  
AURINGER,

Defendants.

CIVIL ACTION NO.: 19 Civ. 10043 (SLC)

**ORDER TO SUBMIT SETTLEMENT  
MATERIALS AND CONCERNING  
SCHEDULING**

**SARAH L. CAVE**, United States Magistrate Judge.

The parties' application to adjourn all outstanding deadlines *sine die* in light of their agreement to settle (ECF No. 22) is GRANTED. The Telephone Conference previously scheduled for Wednesday, October 28, 2020 at 3:30 pm is adjourned *sine die*.

This case contains one or more claims arising under the Fair Labor Standards Act. In light of the requirements of Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), the parties must file a joint Letter-Motion that addresses whether the settlement is fair and reasonable.

The parties must file their Letter-Motion by **Tuesday, October 27, 2020** and should address the claims and defenses, the defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiffs' case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiffs' claims and the settlement amount, the litigation and negotiation process, as well as any other

issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint Letter-Motion should also explain the attorney fee arrangement, attach a copy of any retainer agreement, and provide information as to actual attorneys' fees expended. Finally, a copy of the settlement agreement itself must accompany the joint Letter-Motion.

Dated: New York, New York  
October 13, 2020

SO ORDERED

A handwritten signature in black ink, appearing to read "Sarah L. Cave", is written over a horizontal line.

**SARAH L. CAVE**

**United States Magistrate Judge**