

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

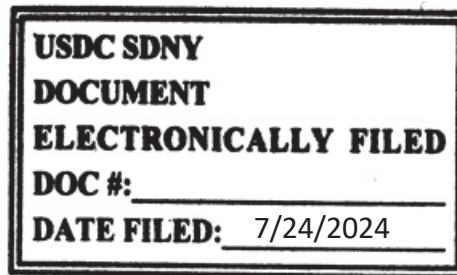
Victor Manual Garibay,

Plaintiff,

-against-

Socratis Foradoulas et al.,

Defendants.



1:23-cv-05111 (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

This case contains one or more claims arising under the Fair Labor Standards Act. During a settlement conference with the undersigned on June 24, 2024, the parties reached a settlement in principle. The parties thereafter consented to have all proceedings held before me. (ECF No. 36.) On July 9, 2024, the Court entered an Order directing the parties to provide a copy of the settlement agreement to the Court together with a letter explaining why the settlement, including any provision for attorney's fees and costs, is fair, reasonable and adequate under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). (See 7/9/24 Order, ECF No. 34.)

On July 23, 2024, the parties submitted the required letter along with the proposed settlement agreement and related papers. (7/23/24 Consent Motion, ECF No. 37.) Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, given both the nature and scope of Plaintiff's claims as well as the risks and expenses involved in additional litigation. See *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012). Moreover, the settlement does not implicate any other *Cheeks* concerns, such as overbroad releases or restrictive confidentiality provisions. See *Cheeks*, 796 F.3d at 206.

As part of the settlement, Plaintiff seeks approval of \$572.00 in costs and \$18,142.67 in attorneys' fees, which is one-third of the settlement amount after costs, pursuant to a contingency fee agreement. (See 7/23/24 Consent Motion at 4.) "The fairness review required by *Cheeks* 'extends to the reasonableness of attorneys' fees and costs.'" *Almanzar v. Silver Star Properties Corp.*, No. 23-CV-00819 (GWG), 2023 WL 6979460, at \*2 (S.D.N.Y. Oct. 24, 2023) (quoting *Fisher v. SD Prot. Inc.*, 948 F.3d 593, 606 (2d Cir. 2020)). The Court finds that the requested attorneys' fees are reasonable. "Courts in this Circuit routinely approve of one-third contingency fees for FLSA cases." *Garay v. Euro Metalsmith*, No. 23-CV-03451 (ARR) (JMW), 2023 WL 8435866, at \*6 (E.D.N.Y. Dec. 5, 2023). Accordingly, the Court approves the requested attorneys' fees.

Finally, the Court finds the requested costs to be reasonable. Plaintiffs' attorneys seek costs of \$402 for the filing fee and \$170 in service of process costs (see Time/Cost Records, ECF No. 37-2, at 2), "which are costs that are routinely recoverable in litigation[.]" *Puerto v. Happy Life Home Health Agency Inc.*, No. 23-CV-04915 (GWG), 2023 WL 8258103, at \*3 (S.D.N.Y. Nov. 29, 2023) (internal quotation marks and citation omitted).

For these reasons, the settlement is preliminarily approved. Final approval must await submission of a fully executed Settlement Agreement. The parties shall submit the fully executed Settlement Agreement to the Court no later than July 31, 2024.

**SO ORDERED.**

Dated: New York, New York  
July 24, 2024



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STEWART D. AARON  
United States Magistrate Judge