

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MARVIN CROUCH, *on behalf of himself* )  
*and others similarly situated,* )

CASE NO. 5:12cv2927

Plaintiff, )

JUDGE BENITA Y. PEARSON

v. )

BASEMENT AT THE LAKES, *et al.*, )

**MEMORANDUM OF OPINION AND ORDER** [Regarding [ECF No. 41](#)]

Defendants. )

The parties in the above captioned matter have unanimously agreed to a Consent Judgment upon the terms and conditions which have been reviewed and approved by the Court as set forth in the following items: the Joint Motion to Approve the Settlement Agreement ([ECF No. 41](#)); the Proposed Settlement and Release ([ECF No. 41-1](#)); the Proposed Consent Form ([ECF No. 41-2](#)); the Proposed Gross Settlement Payout Form ([ECF No. 41-3](#)); the Proposed Notice to Class ([ECF No. 41-5](#)); and the filed Consent Forms signed by Plaintiffs Marvin Crouch, Kevin Wall, Ember Senko, and Derek Sobol ([ECF Nos. 43-1; 43-2; 42-3; 43-4](#)).

The Court conducted the Fairness Hearing, and took notice that three individuals, Jonas McDonald, Brandon Futrell, and Ryan Lawless, were unresponsive to Plaintiffs counsels' request for information. The Court noted that no objections to the settlement were received by the Court or Plaintiffs' counsel.

The Court finds that the settlement reached is a fair agreement. The payments to be made to Plaintiffs Crouch, Wall, Senko and Sobol represent 56% of dollars claimed and includes

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statutory compensation. The attorney fees sought are reasonable, and will be paid by Defendants.

The Court, having considered such terms and conditions, hereby enters this Consent Judgment and orders the parties to comply with such terms and conditions. The parties may execute such additional agreements as they deem necessary to memorialize the specific terms and conditions approved by the Court. This Consent Judgment constitutes a final order on the merits with full *res judicata* effect and all claims now pending are hereby dismissed with prejudice. Each party to bear its/his/their own costs.

IT IS SO ORDERED.

August 9, 2013  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge