

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, CINCINNATI

THOMAS OBERFOELL and)
KENNETH KLEMS, Individually)
And on behalf of all others similarly)
situated,)

Plaintiff,)

vs.)

HORSESHOE CINCINNATI)
MANAGEMENT LLC d/b/a)
HORSESHOE CASINO)
CINCINNATI,)

Defendant.)

CASE NO. 1:14-cv-666

JUDGE SANDRA S. BECK WITH
MAGISTRATE JUDGE BOWMAN

ORDER GRANTING
FINAL APPROVAL OF
CLASS SETTLEMENT

On May 31, 2016, the Court conducted a fairness hearing to consider the Joint Motion for Final Approval of Class Action Settlement (DE 93) filed by the parties in this action. Counsel for plaintiffs and defendant appeared at the hearing. Having considered the joint motion, comments of counsel, and supporting legal authority, the Court orders as follows:

IT IS HEREBY ORDERED THAT:

1. The Court adopts all defined terms as set forth in the Settlement Agreement.

2. This Court has jurisdiction over the subject matter of this litigation and all matters relating thereto, including plaintiffs, all settlement class members, and defendant.

3. The Court confirms as final the following settlement class: “all current and former table games supervisors who were employed at any time between January 1, 2013 and March 8, 2016, the date of the Order preliminarily approving this settlement (DE 91), by Horseshoe Cincinnati Management, LLC d/b/a Horseshoe Casino Cincinnati.

4. The Court confirms the appointment of named plaintiffs Thomas Oberfoell and Kenneth Klems as representatives of the class. The Court approves the enhancement payments in the amount of \$7,500 to named plaintiff Thomas Oberfoell, \$6,500 to named plaintiff Kenneth Klems, and \$11,000 to former named plaintiff Philip Huddy.

5. The Court confirms the appointment of Daniel K. Touhy, PC and David M. Cook of Cook & Logothetis, LLC as class counsel and grants their motion for attorney’s fees and litigation costs in the amounts of \$258,333 and \$15,000, respectively.

6. The class notice was distributed to class members, pursuant to this Court’s orders, and fully satisfied the requirements of Fed. R. Civ. P. 23, the FLSA, and any other applicable law.

7. Pursuant to Fed. R. Civ. P. 23 and the FLSA, the Court grants final approval of the settlement and finds the settlement is fair, reasonable, and adequate in all respects. The Court finds that the settlement confers a substantial benefit to settlement class members, considering the strength of plaintiffs' claims and the risk, expense, complexity, and likely duration of further litigation. The response of the class supports settlement approval. No class members objected to or requested exclusion from the settlement. The Court further finds that the settlement is the result of arms-length negotiations between experienced counsel representing the interests of both sides, after thorough investigation, which supports approval of the settlement in accordance with the standards set forth in the joint motion for final approval of settlement.

8. The Court finds that CPT Group, Inc. as settlement administrator is entitled to \$11,000 for administrative fees.

9. The Court directs the parties to effectuate the terms as set forth in the Settlement Agreement and the settlement administrator to calculate and pay the claims of class members in accordance with the terms set forth in the Settlement Agreement.

10. The Complaint is dismissed with prejudice.

11. The Court retains jurisdiction to enforce the terms of the settlement, including the payment of the settlement fund.

IT IS SO ORDERED, this 31st day of May, 2016.



JUDGE SANDRA S. BECKWITH
Senior United States District Judge