

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

David G. Clark,	:	
	:	
Plaintiff,	:	Case No. 09-cv-382
	:	
v.	:	Judge Marbley
	:	Magistrate Judge Abel
Coshocton Collision Center,	:	
	:	
Defendant.	:	

CONSENT DECREE AND ORDER APPROVING FLSA SETTLEMENT

WHEREAS, Plaintiff David G. Clark (“Plaintiff”) filed an action in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 09-cv-00382-ALM-MRA on or about March 13, 2009 (the “Litigation”) against the Defendant Coshocton Collision Center, (“Defendant”),

WHEREAS, Plaintiff and Defendant have agreed to resolve all legal claims, both asserted and unasserted, among Plaintiff, Defendant, and Defendant’s owners, without any admission of liability by either party;

WHEREAS, the undersigned counsel have determined and hereby represent to the Court that the settlement is a fair, reasonable, and adequate resolution of the Litigation, in light of the all the risks inherent in continued litigation;

WHEREAS, Plaintiff understands and agrees to the settlement terms outlined herein and desires to resolve this action under such terms described herein;

NOW, THEREFORE, IT IS HEREBY AGREED, that the Parties respectfully request that:

1. This Court should adopt the Confidential Agreement and Full and Final Release of all Claims (“the Agreement”) signed by the Plaintiff and the Defendant detailing the specific terms of the settlement of this action, which has been sent to the Court via electronic mail; and,

2. This Court should review Plaintiff's counsel's request for attorney fees and costs, contained within the Agreement and find that the attorney fees and costs are fair and reasonable.

Date: November 16, 2009

Signatures

/s/Christopher E. Hogan
D. Wesley Newhouse
Bar Number: 0022069
Christopher E. Hogan
Bar Number: 0070236
Newhouse, Prophater, Letcher & Moots, LLC
5025 Arlington Center Blvd., Suite 400
Columbus, OH 43220
Telephone: (614) 255-5441
Facsimile: (614) 255-5446
E-mail: wnewhouse@nplmlaw.com
chogan@nplmlaw.com

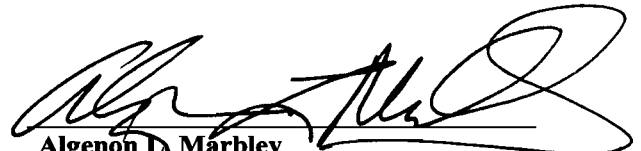
/s/Robert E. DeRose
Robert E. DeRose
Bar Number: 0055214
Robert K. Handelman
Bar Number: 0019589
Shannon R. Baith
Bar Number: 0082362
Attorneys for Plaintiffs
Barkan Neff Handelman Meizlish, LLP
360 S. Grant Avenue, P.O. Box 1989
Columbus, OH 43216-1989
Telephone: (614) 221-4221
Fax: (614) 744-2300
E-mail: bderose@bnhmlaw.com
rhandelman@bnhmlaw.com
sbaith@bnhmlaw.com

Counsel for Defendants.

Counsel for Plaintiff.

NOW, this 17 day of November, 2009 upon consideration of the above representations of counsel and all other papers and proceedings herein, it is hereby **ORDERED** that the settlement of this action is **APPROVED**; Plaintiff's attorney fees and expenses are **APPROVED**; the Court retains jurisdiction of this matter to enforce the terms of the Agreement and that this action is **DISMISSED**.

Ordered: 17 Nov. 2009


Algenon L. Marbley
UNITED STATES DISTRICT JUDGE