

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

QUINCY MILES, On Behalf of Himself	§	
and All Others Similarly Situated,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:16-CV-0778-D
VS.	§	
	§	
ILLINI STATE TRUCKING CO.,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION
AND ORDER

After the court granted defendant’s July 11, 2017 motion to file joint motion for approval of FLSA settlement and exhibits under seal, the parties filed under seal their July 13, 2017 joint motion for approval of FLSA settlement. According to defendant’s motion to file joint motion for approval of FLSA settlement and exhibits under seal—which itself is presently a sealed document—“[t]he handling of the Joint Motion for Approval of FLSA Settlement and Exhibits under seal was a material inducement to Defendant entering into this compromised settlement.”

Mot. 1.

The court has reviewed the proposed settlement and is willing to approve it. The court is not willing, however, to maintain the settlement agreement under seal. *See Parrish v. Defender Sec. Co.*, 2013 WL 372940, at *1-2 (N.D. Tex. Jan. 31, 2013) (Fitzwater, C.J.) (denying parties’ joint motion to seal settlement agreement in FLSA case); *Rodriguez v. El Pollo Regio, Inc.*, 2012 WL 5506130, at *1 (N.D. Tex. Feb. 23, 2012) (Fitzwater, C.J.) (denying parties’ agreed motion to file agreed motion to approve FLSA settlement under seal).

Given defendant's assertion that filing the settlement under seal was a material inducement for it to enter into the settlement, "the court will allow [the parties] 14 days from the date of this memorandum opinion and order to advise the court whether they continue to request approval of the settlement, with the understanding that the settlement will be approved, but the settlement agreement will be unsealed." *Parrish*, 2013 WL 372940, at *2. This is the procedure the court followed in *Parrish*, where, similar to defendant's position here, "the parties posit[ed] that confidentiality [was] a key and material term." *Id.*

* * *

For the reasons explained,* the court declines to maintain the parties' proposed settlement agreement under seal. The parties' response is due within 14 days of the date this memorandum opinion and order is filed. The proposed settlement agreement will remain sealed until the court has considered and acted upon the parties' response.

SO ORDERED.

July 19, 2017.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE

*Under § 205(a)(5) of the E-Government Act of 2002 and the definition of "written opinion" adopted by the Judicial Conference of the United States, this is a "written opinion[]" issued by the court" because it "sets forth a reasoned explanation for [the] court's decision." It has been written, however, primarily for the parties, to decide issues presented in this case, and not for publication in an official reporter, and should be understood accordingly.