

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

RONALD E. HOUSTON, on behalf of)	
himself and all others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:08cv203 (AJT/JFA)
)	
URS CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on the Joint Motion Seeking Approval of Settlement Agreement Reached Between the Parties (Doc. No. 174) and the Magistrate Judge's Proposed Findings of Fact and Recommendations (Doc. No. 180).

By Order dated March 24, 2009, the Joint Motion Seeking Approval of Settlement Agreement Reached Between the Parties was referred to the United States Magistrate Judge, pursuant to 28 U.S.C. § 636, to conduct hearings and file a report and recommendation. On April 10, 2009, a hearing on the Joint Motion Seeking Approval of Settlement Agreement Reached Between the Parties was held before Magistrate Judge John F. Anderson. After that hearing, Judge Anderson issued Proposed Findings of Fact and Recommendations in which he recommended that this Court find the settlement agreement to be a fair and reasonable resolution of a bona fide dispute over Fair Labor Standards Act ("FLSA") provisions as required by *Lynn's Food Stores v. United States*, 679 F.2d 1350 (11th Cir. 1982). Judge Anderson ordered counsel for the Plaintiffs to

provide a copy of his Proposed Findings of Fact and Recommendations to each individual Plaintiff and advised the parties that objections to the Proposed Findings of Fact and Recommendations must be filed within ten (10) days.

Counsel for the Plaintiffs caused a copy of the Proposed Findings of Fact and Recommendations together with a copy of the Settlement Agreement and Schedule of Payments to be served on each individual opt-in Plaintiff by email and mail on April 17, 2009. The Court subsequently received objections and/or notices of voluntary dismissal from eleven individuals. Five opt-in Plaintiffs submitted executed notices of voluntary dismissal requesting that their claims be voluntarily dismissed pursuant to Fed. R. Civ. P. 41(a)(2). (Doc. Nos. 194, 195, 196, 197 and 199). John Abbot and Thomas Trimmer, two other opt-in Plaintiffs, submitted objections but later withdrew their objections or indicated their approval of the settlement. (Doc. Nos. 183, 184, 186, 190, 201 and 204). The remaining four individuals, Chad Beckwith Smith, Randall Hutchins, Laural Tucker, and Catherine Phillips, submitted objections to the settlement. (Doc. Nos. 184, 187, 188, 189, 191 and 192).

Upon consideration of the Joint Motion Seeking Approval of Settlement Agreement Reached Between the Parties (Doc. No. 174), the Magistrate Judge's Proposed Findings of Fact and Recommendations (Doc. No. 180), the objections to the settlement, and the parties' supplemental memoranda, and for the reasons stated in open court, it is hereby

ORDERED that the requests for voluntary dismissal by Kevin C. Fuqua, Carmelita E. Gilmore, Linda Crear-Moore, Ira B. Simmons, and Marcus McCranie be, and the same hereby are, GRANTED pursuant to Fed. R. Civ. P. 41(a)(2) and the claims

of Kevin C. Fuqua, Carmelita E. Gilmore, Linda Crear-Moore, Ira B. Simmons, and Marcus McCranie be, and the same hereby are, DISMISSED with prejudice; it is further

ORDERED that the Proposed Findings of Fact and Recommendations (Doc. No. 180) be, and the same hereby is, ADOPTED; it is further

ORDERED that the objections of Chad Beckwith Smith, Randall Hutchins, Laural Tucker, and Catherine Phillips (Doc. Nos. 184, 187, 188, 189, 191 and 192) be, and the same hereby are, OVERRULED; it is further

ORDERED that the Joint Motion Seeking Approval of Settlement Agreement Reached Between the Parties (Doc. No. 174) be, and the same hereby is, GRANTED; it is further

ORDERED that, in light of this Order, the parties are directed to submit a revised and final version of the Settlement Agreement and Schedule of Payments together with a proposed Stipulation and Order of Dismissal on or before August 24, 2009; and it is further

ORDERED that Defendants' Motion for Partial Summary Judgment on the Plaintiff's Generic Claims of "Willful" Violations of the Fair Labor Standards Act (Doc. No. 157) having been withdrawn by Defendants be, and the same hereby is, DENIED as MOOT.

The Clerk is directed to forward copies of this Order to all counsel of record.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
August 7, 2009