

TR

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TANYA PETERS, on behalf of herself and  
similarly situated employees,  
Plaintiff,

v.

ZAHAV, LLC,

Defendant.

2:16-cv-06637-TR

FILED

OCT 24 2017

KATE BANKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 24 day of October, 2017, upon consideration of Plaintiff's

"Unopposed Motion for Final Approval of the Class/Collective Action Settlement" ("Final Approval Motion") and attachments thereto, see Doc. 22, the presentations of counsel during the October 24, 2017 final approval hearing, and all other papers and proceedings herein, it is hereby

**ORDERED** that:

1. The Motion is **GRANTED**.
2. The settlement of this class/collective action is **APPROVED** pursuant to Federal Rule of Civil Procedure 23(e) and the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*<sup>1</sup>
3. With respect the \$230,000.00 payable to members of the settlement class/collective, the Court finds that the following fifteen factors – as described in Girsh v. Jepson, 521 F.2d 153 (3d Cir. 1975), In re Prudential Insurance Company America Sales Practice Litig., 148 F.3d 283 (3d Cir. 1998), and In re Baby Products Antitrust Litig., 708 F.3d 163 (3d Cir. 2013) – weigh in favor of approval: (a) the complexity, expense and likely duration of the litigation; (b) the reaction of the class to the settlement; (c) the stage of the proceeding and the

<sup>1</sup> The settlement does not apply to or bind Marie Cheslik and Yasmin Roberti, both of whom have excluded themselves from the settlement. See Doc. 22-2 at Exhibits 5-6.

amount of the discovery completed; (d) the risks of establishing liability; (e) the risks of establishing damages; (f) the ability of defendants to withstand a greater judgment; (g) the range of reasonableness of the settlement fund in light of the best possible recovery; (h) the range of reasonableness of the settlement fund to a possible recovery in light of all the attendant risks of litigation; (i) the maturity of the underlying substantive issue; (j) existence and probable outcome of claims by other classes and subclasses; (k) the comparison between the results achieved by the settlement for individual class members and the results achieved for other claimants; (l) whether class members are accorded the right to opt-out of the settlement; (m) whether any provisions for attorney's fees are reasonable; (n) whether the procedure for processing individual claims under the settlement is fair and reasonable; and (o) the degree of direct benefit provided to the class/collective.

4. The Court also approves the requested service award of \$2,500.00 to named Plaintiff Tanya Peters in recognition of her role in initiating this lawsuit and diligently pursuing her legal claims on behalf of the class/collective. This award falls within the range of service awards approved in other wage/overtime class/collective action lawsuits. See, e.g., Creed v. Benco Dental Supply Co., 2013 U.S. Dist. LEXIS 132911, \*19-20 (M.D. Pa. Sept. 17, 2013) (approving \$15,000.00 award); Craig v. Rite Aid Corp., 2013 U.S. Dist. LEXIS 2658, \*49-50 (M.D. Pa. Jan. 7, 2013) (approving awards of \$7,500.00 and \$5,000.00 and citing authority).

5. The Court also approves, pursuant to Federal Rule of Civil Procedure 23(h), the requested payment of \$90,000.00 to Class Counsel for attorney's fees and litigation expenses. The Court finds the \$544.62 in expenses to be reasonable and necessary under the circumstances of this litigation. Moreover, the requested \$89,455.38 attorney's fee recovery – which constitutes approximately 27.7% of the total \$322,500.00 settlement fund is supported by the

seven factors described in Gunter v. Ridgewood Energy Corp., 223 F.3d 190, 193 n. 1 (3d Cir. 2000) and the additional three factors described in In re Prudential Insurance Company America Sales Practice Litig., 148 F.3d 283 (3d Cir. 1998): (a) the size of the fund created and the number of persons benefited; (b) the absence of objections by members of the class; (c) the skill and efficiency of the attorneys involved; (d) the complexity and duration of the litigation; (e) the risk of nonpayment; (f) the amount of time devoted to the case by plaintiffs' counsel; (g) awards in similar cases; (h) the value and benefits attributable to class counsel as opposed to the efforts of other groups such as government agencies; (i) the percentage of the fee that would have been negotiated had the case been subject to a private contingent fee agreement; and (j) any innovative terms of the settlement.

6. This action is **DISMISSED WITH PREJUDICE**, although the Court will retain jurisdiction over the interpretation, enforcement, and implementation of the Class/Collective Action Settlement Agreement and this Order.

**SO ORDERED:**

  
HONORABLE TIMOTHY R. RICE

ENTERED

OCT 24 2017

CLERK OF COURT