

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

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BAMBI WOJTASZEK, <i>et al.</i>	:	
	:	
	:	4:17-cv-01888-RDM
v.	:	
	:	
BALD EAGLE FUEL & TIRE, INC.	:	

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**ORDER**

AND NOW, this 28<sup>th</sup> day of November, 2018, upon consideration of Plaintiffs’ “Unopposed Motion for Approval of the Settlement” (“Motion”), see Doc. 36, the accompanying settlement agreement, see Doc. 36-1, the accompanying release forms, see Doc. 36-2, and all other papers and proceedings herein, it is hereby **ORDERED** that the settlement of this Fair Labor Standards Act (“FLSA”) action is **APPROVED** and this action is **DISMISSED WITH PREJUDICE**.<sup>1</sup>

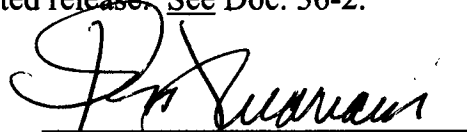
In the absence of Third Circuit guidance, the judges of this Court generally review FLSA settlements for fairness. See, e.g., Pritchard v. Bimbo Bakeries USA, Inc., 2018 U.S. Dist. LEXIS 146328 (M.D. Pa. Aug. 23, 2018); Trevorah v. Linde Corp., 2018 U.S. Dist. LEXIS 65523 (M.D. Pa. Apr. 13, 2018); Iwaskow v. JLJJ, 2016 U.S. Dist. LEXIS 136676 (M.D. Pa. Sept. 28, 2016); Harrison v. Flint Energy Services, Inc., 2016 U.S. Dist. LEXIS 51674 (M.D. Pa. Apr. 15, 2016). In

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<sup>1</sup> The Court will retain jurisdiction for the sole and limited purpose of enforcing the settlement.

this regard, an FLSA settlement will be approved if it: (a) resolves a *bona fide* dispute under the FLSA; (b) is fair and reasonable to the employees; and (c) does not frustrate the FLSA. See Owens v. Interstate Safety Services, Inc., 2017 U.S. Dist. LEXIS 192247 (M.D. Pa. Nov. 21, 2018). In addition, the Court must deem reasonable any requested attorney's fees, see, e.g., id. at \*7-9, and service awards, see, e.g., Creed v. Benco Dental Supply Co., 2013 U.S. Dist. LEXIS 132911, \*19-20 (M.D. Pa. Sept. 17, 2013).

The settlement – which is the result of arms-length bargaining by experienced legal counsel and requires defendants to pay a total of \$86,000<sup>2</sup> – is fair and reasonable and satisfies all the above requisites for judicial approval. Moreover, each of the 14 plaintiffs has manifested his/her agreement with the settlement by personally signing a release form that describes his/her individual payment amount and scope of the limited release. See Doc. 36-2.

  
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Hon. Robert D. Mariani  
United States District Judge

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<sup>2</sup> The \$86,000 payment will be distributed as follows: (a) the 14 plaintiffs will share in \$57,620 (\$3,000 of which represents a service award to originating plaintiff Bambi Wojtaszek) and (b) \$28,380 (representing 33% of the total settlement fund) will be paid to Plaintiffs' lawyers at Winebrake & Santillo, LLC.