

ENTERED

May 20, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CARL HESTER,

Plaintiff,

VS.

PHILLIPS 66 COMPANY, *et al*,

Defendants.

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CIVIL ACTION NO. 4:18-CV-1078

ORDER

The plaintiff, Carl Hester, sued Phillips 66 Company, alleging that Phillips 66 violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, by failing to pay overtime for hours worked in excess of forty hours in a workweek. The case was certified as a collective action and notice issued. Several individuals filed consents to join the action. The parties have jointly moved for approval of a settlement agreement and to enter final judgment.

The FLSA provides that “any employer who violates the provisions of section 206 or 207 of this title shall be liable to the employee . . . affected in the amount of unpaid wages, or their unpaid overtime compensation, as the case may be” 29 U.S.C. § 216(b). FLSA claims may be compromised after the court reviews and approves a settlement in a private action for back wages under 29 U.S.C. § 216(b). *Lynn’s Food Stores, Inc. v. U.S. Dep’t of Labor*, 679 F.2d 1350, 1353 (11th Cir. 1982). If the settlement reflects “a reasonable compromise over issues,” the court may approve it. *Id.* at 1354.

In this case, there are genuine disputes over whether the FLSA applies to the plaintiffs and the amount, if any, of overtime pay and attorney's fees due. This court has reviewed the settlement agreement and finds that the amount to be paid to the plaintiffs and the amount of attorney's fees provided for in the settlement agreement are fair and reasonable. This court approves the proposed settlement as a fair and reasonable compromise of a *bona fide* dispute under the FLSA. The motion for approval is granted.

The parties' Joint Motion for Approval of Settlement Agreement and Dismissal (Dkt. 78) and Supplemental Brief in Support of Joint Motion to Approve Settlement Agreement Regarding Attorneys' Fees (Dkt. 88) are **GRANTED**. The parties' Joint Motion for Leave to File Settlement Agreement Under Seal (Dkt. 79) is **GRANTED**. Plaintiff's Unopposed Motion for Status Conference (Dkt. 84) is **DENIED AS MOOT**.

In accordance with the terms of the Settlement Agreement, Plaintiffs' claims against Phillips 66 are **DISMISSED WITH PREJUDICE**.

SIGNED at Houston, Texas, this 20th day of May, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE