

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**JOSH NOLEN, on behalf of himself and all
others similarly situated,**

Plaintiff,

v.

**FIREBIRDS OF OVERLAND PARK, L.L.C.,
et al.,**

Defendants.

Case No. 2:17-CV-02237-HLT

ORDER

The parties reached a Settlement Agreement (“Settlement”), and Plaintiff moves for final approval of the Settlement (Doc. 69). The Court, having preliminarily approved this settlement on January 3, 2019 and having conducted a final approval and fairness hearing on May 15, 2019, and having duly considered the submissions presented with respect to the Settlement addressing the collective and class claims asserted in the litigation under state and federal wage and hour law, finds that the Settlement is a fair, adequate, and reasonable resolution of a bona fide dispute in contested litigation.

THE COURT THEREFORE ORDERS that Plaintiff’s Unopposed Motion for Final Settlement Approval (Doc. 69) is GRANTED and issues the following additional orders:

1. This Order (“Approval Order”) will be binding on the Participating Class Members as defined in the Settlement.
2. The Settlement is fair, reasonable and adequate, is in the best interests of the class, should be, and hereby is, approved, especially in the light of the benefits to the class accruing therefrom, the discovery, investigation, and litigation conducted by Class Counsel prior to the proposed Settlement, and the complexity, expense, risks and probable protracted duration of further litigation.

3. Defendants shall issue payment, via the Settlement Administrator, to all Participating Class Members in accordance with the Settlement.
4. Plaintiff's request for service payments to Named Plaintiff and the early opt in as set forth in the Settlement is hereby approved and Defendants shall issue such payments, via the Settlement Administrator, in accordance with the Settlement.
5. Class Counsel's application for an award of attorneys' fees and reimbursement of costs as set forth in the Motion for Final Settlement Approval is hereby approved and Defendants shall issue such payment, via the Settlement Administrator, in accordance with the Settlement.
6. The Settlement Administrator shall be paid in accordance with the Settlement.
7. Unclaimed settlement allocation amounts shall revert to the Defendants within 120 days of issuance of the payments to the Participating Class Members by the Settlement Administrator.
8. All Participating Class Members shall conclusively be deemed for all purposes to be permanently barred from commencing, prosecuting, or otherwise maintaining in any court or forum any action against Defendants for any Released Claims.
9. Judgment shall be entered whereby all Participating Class Members shall take nothing from Defendants except as expressly set forth in the Settlement.

IT IS SO ORDERED.

Dated: May 15, 2019

/s/ Holly L. Teeter
HOLLY L. TEETER
UNITED STATES DISTRICT JUDGE