

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

<b>FREDERICK VANORDEN, on</b>	:	<b>CIVIL ACTION NO. 1:17-CV-1310</b>
<b>behalf of himself and others similarly</b>	:	
<b>situated,</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>LEBANON FARMS DISPOSAL, INC.,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 10th day of July, 2019, upon consideration of the unopposed motion (Doc. 67) for preliminary approval of the class action settlement by plaintiff Frederick VanOrden (“VanOrden”), wherein VanOrden seeks (1) preliminary approval of the proposed “class/collective” action settlement agreement (Doc. 67-1); (2) approval of the proposed form and protocol for notifying class members of the tentative settlement agreement; and (3) appointment of the law firm Winebrake & Santillo, LLC as interim class counsel, and it appearing that a court reviewing a class action settlement for preliminary approval must evaluate whether “the court will likely be able to” approve the settlement under Federal Rule of Civil Procedure 23(e)(2) and “certify the class” for judgment on the proposal, FED. R. CIV. P. 23(e)(1)(B), and the court noting that Rule 23 permits approval of a class action settlement only upon finding that the class has been adequately represented; the agreement is a product of arms-length bargaining; the relief provided for the class is adequate; and the settlement “treats class members equitably relative to each

other,” FED. R. CIV. P. 23(e)(2), and the court finding that plaintiff’s counsel has adequately represented the class thus far; the parties engaged in extensive discovery and arms-length negotiation; the proposed settlement payments to class members appear fair based on the underlying claims and allegations; and that settlement proceeds will be allocated equitably on a *pro rata* basis premised on a base payment plus an amount for each week worked during the relevant time period, and the court concluding that the proposed agreement appears to be fair and reasonable, falling within the range of possible approval, and the court further finding that it “will likely be able to” certify the settlement class because the numerosity, commonality, typicality, and adequacy of representation requirements are most likely satisfied, see FED. R. CIV. P. 23(a); (Doc. 68 at 21-23), as are the requirements under Rule 23(b)(3), see FED. R. CIV. P. 23(b); (Doc. 31 at 2-3; Doc. 68 at 23-25), and the court observing that the content of the proposed notice adequately appraises class members of the terms of the settlement; the individualized projected recovery amount; class members’ right to opt out of the settlement; class members’ right to object to the settlement and the process for doing so; the date and time of the fairness hearing; and the method by which class members may contact class counsel, (Doc. 67-1; Doc. 68 at 26-27), and the court further observing that written notice will be mailed to each class member’s last known address, and that the class administrator is required to make a good faith effort to obtain new addresses and reissue notice as needed, (Doc. 67-1 ¶ 6), and the court concluding that the mailing of notice to class members in the manner and form set forth in the settlement agreement meets the requirements of the FLSA and

Rule 23 and is the best notice practicable under the circumstances, see 29 U.S.C. § 216(b); FED. R. CIV. P. 23(c)(2)(B), and the court finding that proposed class counsel have previously handled numerous class actions and collective actions, (see Doc. 67-2); thoroughly investigated the instant claims; engaged in extensive discovery; and endeavored to negotiate a fair settlement, (Doc. 68 at 6-8), and the court concluding that proposed class counsel will fairly and adequately represent the interests of the class, FED. R. CIV. P. 23(g), it is hereby ORDERED that:

1. The motion (Doc. 67) for preliminary approval of the Class/Collective Action Settlement Agreement (“Settlement Agreement”) (Doc. 67-1) is GRANTED.
2. The court DESIGNATES the law firm of Winebrake & Santillo, LLC as interim class counsel. See FED. R. CIV. P. 23(g)(3).
3. The settlement memorialized in the Settlement Agreement is PRELIMINARILY APPROVED.
4. The form and content of the Class/Collective Action Settlement Notice (Doc. 67 at 18-21, Ex. B) is APPROVED.
5. On or before Thursday, September 26, 2019, class counsel shall provide a certification notice to the court stating when and how the required notice to class members was accomplished.
6. On or before Thursday, September 26, 2019, class counsel shall file a memorandum of law in support of final approval of the proposed Settlement Agreement and certification of the class action.
7. A hearing on final approval of the proposed Settlement Agreement will commence at **10:00 a.m. on Thursday, October 17, 2019**, in Courtroom No. 2, Ninth Floor, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania