

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

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JENNY SHIPTOSKI, on behalf of herself	:	:
and similarly situated employees,	:	3:16-cv-01216-RDM
Plaintiffs,	:	:
v.	:	:
SMG GROUP, LLC,	:	:
Defendant.	:	:
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ORDER

AND NOW, this 23rd day of October, 2019, upon

consideration of Plaintiff’s “Unopposed Motion for Preliminary Approval of the Class Action Settlement and Other Related Relief” (“Motion”) (Doc. 115), the accompanying “Class/Collective Action Settlement Agreement” (“Agreement”) (Doc. 115-1), and all other papers supporting papers, it is hereby **ORDERED** that:

1. The Motion is **GRANTED**, and the settlement of this action is **PRELIMINARILY APPROVED** because it appears that, at the final approval stage, the Court “will likely be able to” approve the settlement under the criteria described in Federal Rule of Civil Procedure (“Civil Rule”) 23(e)(2) and certify the settlement class under the criteria described in Civil Rules 23(a) and 23(b)(3). See Fed. R. Civ. P. 23(e)(1)(B)(i)-(ii).

2. The “Notice of Settlement” form (“Notice Form”) attached to the Agreement as Exhibit C and the notice protocols described in paragraph 6 of the

Agreement are approved pursuant to Civil Rules 23(c)(2)(B) and 23(e)(1). The Notice Forms shall be sent to all individuals listed in Exhibit A to the Agreement.

3. Individuals who wish to exclude themselves from the settlement must follow the procedures described in paragraph 7 of the Agreement and Section 7 of the Notice Form.

4. Individuals who wish to object to the settlement must follow the procedures described in paragraph 8 of the Agreement and Section 8 of the Notice Form.

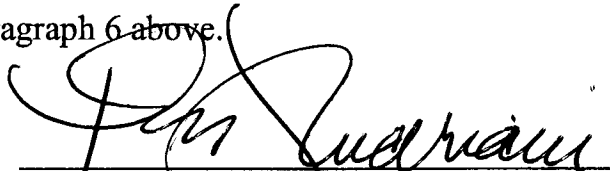
5. Winebrake & Santillo, LLC is appointed interim class counsel pursuant to Civil Rule 23(g)(3) and shall ensure that the notice and claim process contemplated by the Agreement is followed. The Court will make its final decision regarding the appointment of class counsel after the final approval and pursuant to the criteria described in Civil Rule 23(g)(1).

6. Pursuant to Civil Rule 23(e)(2), a hearing addressing final approval of the settlement will be held on Thurs, January 16th, 2020 at 10:30 am in Courtroom 4 of the William J. Nealon United States Courthouse, 235 North Washington Avenue, Scranton, PA 18501.¹ During this hearing, the Court will

¹ **Note to the Court:** Interim class counsel recommends that the final approval hearing occur no earlier than 70 days after the entry of this preliminary approval order. This will ensure that the parties and the settlement administrator have adequate time to complete the notice process contemplated in the Agreement.

hear from any objectors or other class members who wish to address the Court and will hear argument from counsel regarding, *inter alia*, the following issues: whether the settlement warrants final approval under Civil Rule 23(e)(2) and 29 U.S.C. § 216(b); whether the settlement class should be certified under Civil Rules 23(a) and 23(b)(3); whether a collective resolution of the claims of the individuals who previously joined the FLSA collective is appropriate under 29 U.S.C. § 216(b); whether the service award described in paragraph 11 of the Agreement should be approved; and whether the attorney's fees, litigation costs and settlement administration expenses sought by interim class counsel and described in paragraph 10 of the Agreement should be approved under Civil Rule 23(h).

7. Seven calendar days prior to the final approval hearing, interim class counsel shall file all papers in support of the final approval of the settlement and the associated issues described in paragraph 6 above.


Hon. Robert D. Mariani
United States District Judge