

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

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RANDY SICKLESMITH, on behalf of	:	
himself and similarly situated employees,	:	
	:	1:19-cv-01675-JEJ
Plaintiff,	:	
v.	:	
	:	
HERSHEY ENTERTAINMENT &	:	
RESORTS COMPANY,	:	
	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 30<sup>th</sup> day of December, 2021, upon consideration of Plaintiffs’ “Unopposed Motion for Approval of the Fair Labor Standards Act Settlement” (“Motion”), *see* **Doc. 51**, the accompanying “Collective Action Settlement Agreement” (“Agreement”), *see* **Doc. 51-1**, the Declaration of R. Andrew Santillo, *see* **Doc. 51-2**, the accompanying brief, and all other papers and proceedings herein, it is hereby **ORDERED** that the Motion is **GRANTED** and settlement of this collective action is **APPROVED** because it represents a fair and reasonable settlement of a *bona fide* dispute under the Fair Labor Standards Act, **29 U.S.C. §§ 201**, *et seq.*

The settlement requires Defendant Hershey Entertainment & Resorts Company (“Defendant”) to pay \$101,129.00 to be distributed as follows: (i)

\$64,129 will be paid to the 41 Plaintiffs;<sup>1</sup> (ii) a \$4,000 service award will be paid to Mr. Sicklesmith; and (iii) \$33,000 will be paid to Plaintiffs' counsel at Winebrake & Santillo, LLC ("W&S").

Regarding the \$64,129 to be paid to Plaintiffs, the Court finds that such payment: (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 Wojtaszek v. Bald Eagle Fuel & Tire, Inc.*, 2018 U.S. Dist. LEXIS 207030, \*1-2 (M.D. Pa. Nov. 28, 2018) (Mariani, J.); *Mojer v. Americare Home Solutions, LLC*, 2019 U.S. Dist. LEXIS 136865, \*1-2 (M.D. Pa. Aug. 13, 2019) (Caputo, J.).

"In addition, the court 'must deem reasonable any requested attorney's fees and service awards.'" *Mojer*, 2019 U.S. Dist. LEXIS 136865 at \*2 (quoting *Wojtaszek*, 2018 U.S. Dist. LEXIS 207030, at \*2). Regarding the service award, the Court approves the \$4,000 payment to Mr. Sicklesmith because it falls within the range of awards approved in other FLSA actions.<sup>2</sup> The proposed award of attorney's fees and costs is also approved as reasonable because it represents 32.6% of the total settlement fund and is less than W&S's lodestar in this case.

Accordingly, the settlement of this action is **APPROVED** and this action is **DISMISSED WITH PREJUDICE**, although the Court will retain jurisdiction

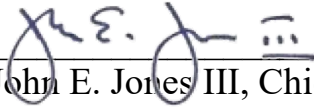
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<sup>1</sup> Defendant also will pay all employer-side taxes and withholdings associated with this \$64,129 payment.

<sup>2</sup> *See, e.g., Tavares v. S-L Distribution Co., Inc.*, 2016 U.S. Dist. LEXIS 57689, \*35-38 (M.D. Pa. May 2, 2016) (\$15,000) (Jones, C.J.).

over any disputes pertaining to the enforcement of the settlement.

**SO ORDERED:**

  
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Hon. John E. Jones III, Chief Judge  
Middle District of Pennsylvania