

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

DAVID BAUST, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:20cv595

CITY OF VIRGINIA BEACH,

Defendant.

FINAL ORDER

This matter is before the court on the parties' "Joint Motion to Approve Settlement Agreement" ("Motion"), ECF No. 41, and submissions supporting the Motion, ECF Nos. 42, 44, 46. The parties seek court approval of their Settlement Agreement, ECF No. 48, resolving this action brought by Plaintiffs under the Fair Labor Standards Act ("FLSA") and Virginia Gap Pay Act ("VGPA").

Upon consideration of the above filings, the court **FINDS** and **ORDERS** as follows:

1. For the purposes of this Order, the court **ADOPTS** all of the language and terms set forth in the Settlement Agreement and Exhibits attached thereto, which were filed with this court on December 8, 2021. ECF No. 48.
2. This court has jurisdiction over the subject matter of this litigation and over all parties to this litigation.

3. The court **FINDS** that the Plaintiffs received adequate and appropriate notice of the terms of the Settlement Agreement.
4. The court **FINDS** that none of the Plaintiffs assert objections to the terms of the Settlement Agreement.
5. The court **FINDS** that the Settlement Agreement was the product of protracted, arm's length negotiations between experienced counsel. For the reasons set forth in the Memorandum Order entered by the court on December 8, 2021, ECF No. 47, the court **FINDS** that the Settlement Agreement, ECF No. 48, is fair, reasonable, and in the best interests of Plaintiffs, and resolves a bona fide dispute over provisions in the FLSA.
6. Defendant shall pay, or cause Plaintiffs to be paid, \$120,000 in accordance with paragraphs 2.1-2.2 of the Settlement Agreement. Each individual Plaintiff shall be paid the amount provided in Exhibit A to the Settlement Agreement.
7. In accordance with paragraphs 2.1-2.2 of the Settlement Agreement, and in recognition of their services as Plaintiffs' counsel in this litigation, Defendant shall pay McGillivray Steele Elkin LLP a sum of \$80,000, representing reasonable attorneys' fees and costs.

8. The court hereby **GRANTS** final approval of the Settlement Agreement, and the parties are **ORDERED** to carry out the terms of the Settlement Agreement as stated in the filing docketed as ECF No. 48.

9. This action is hereby **DISMISSED** with prejudice and all Plaintiffs are barred from asserting any of the released claims, as set forth in paragraphs 3.1-3.4 of the Settlement Agreement.

10. The Complaint is hereby **DISMISSED** with prejudice, and the Clerk of the Court is **DIRECTED** to enter Judgment pursuant to this Final Order.

The Clerk is further **DIRECTED** to forward a copy of this Final Order to all counsel of record.

IT IS SO ORDERED.

/s/

Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

December 10, 2021