

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

CHANEL MCREE, individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:23-cv-318 (RDA/LRV)
)	
TECHNICAL AND MANAGEMENT)	
RESOURCES, INC,)	
)	
Defendant.)	

ORDER

This matter comes before the Court on the Parties’ Joint Motion for Approval of Collective Action Settlement (“Motion for Approval of Settlement”) (Dkt. 28). Having considered the Motion together with the Parties’ Memorandum in Support (Dkt. 29), the Settlement Agreement (Dkt. 31), and the Exhibits attached to the Settlement Agreement (Dkt. Nos. 31-1; 31-2), and having found good cause, it is hereby ORDERED that the Joint Motion for Approval of Settlement (Dkt. 28) is GRANTED; and it is

FURTHER ORDERED that all capitalized terms in this Order not otherwise defined in this Order shall have the same meaning ascribed to them in the Settlement Agreement; and it is

FURTHER ORDERED that the parties’ FLSA collective action settlement, negotiated at arm’s length by experienced counsel fairly and reasonably resolves a bona fide dispute, in light of, among other things, the benefits accruing to members of the FLSA Collective, the time and effort expended by the Parties, and the complexity, risk, expense and possible length of time of continued litigation, and accordingly meets the applicable standard for approval under 29 U.S.C § 216(b) as a fair and equitable resolution of a bona fide dispute; and it is

FURTHER ORDERED that the Settlement Agreement is approved as fair and reasonable; and it is

FURTHER ORDERED that, for settlement purposes, the Court finds that members of the proposed settlement collective are “similarly situated” under Section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 et seq. Members of the proposed FLSA Collective raise similar legal issues arising from a common policy or practice alleged to be unlawful under the FLSA. Fairness and procedural considerations, including the number of similarly situated employees covered by the settlement collective and the effectiveness of allowing them to join in the litigation to participate in a common settlement, also weigh in favor of collective action treatment; and it is

FURTHER ORDERED that, having met the requirements under section 216(b) of the Fair Labor Standards Act, the following FLSA Collective is certified solely for purposes of settlement:

FLSA Collective: The approximately 106 full-time, hourly paid TMR Help Desk Specialists who worked on a United States Department of Agriculture contract at any point from July 26, 2021 through May 17, 2023, to the extent they are included in the list attached to the Settlement Agreement as Exhibit B; and it is

FURTHER ORDERED that the proposed service award for Plaintiff Chanel McCree is approved because it is reasonable and warranted based on the actions that this recipient took over the course of the litigation to protect and advance the interests of others to whom a substantial benefit has been conferred under the settlement; and it is

FURTHER ORDERED that the Claim Form and Notice to FLSA Collective Members attached to the Settlement Agreement as Exhibit A (collectively referred to as “Notice”) are approved as they are written in clear, concise and easy to understand language, fairly and accurately explain to the members of the FLSA Collective the material terms of the proposed

settlement, their legal rights, what they must do to participate in the settlement, and otherwise comport with the requirements of due process; and it is

FURTHER ORDERED that ILYM Group, Inc. (“Notice Administrator”) is appointed Notice Administrator under the Settlement Agreement and shall send the Notice to the FLSA Collective and, if the Court ultimately approves the Settlement, shall perform such other administrative services as set forth in the Settlement Agreement; and it is

FURTHER ORDERED that, within fifteen (15) days of the date of this Order, Defendant shall provide to the Notice Administrator the names, the last known home address, and e-mail address – to the extent this information is available to Defendant; and it is

FURTHER ORDERED that the Notice Administrator shall send notice, in substantially the form of the Notice, and in accordance with the Settlement Agreement, to the members of the FLSA Collective by first-class mail (and via e-mail to the extent such information is available) with a pre-paid return envelope to the home addresses provided to it by Defendant; and it is

FURTHER ORDERED that, within sixty (60) days from the date the Notice Administrator mails the Notice, any member of the FLSA Collective who wishes to participate in the Settlement shall submit his or her Claim Form in this action in accordance with the terms set forth in the Notice; and it is

FURTHER ORDERED that, without affecting the finality of this Final Order and Judgment, the Court retains exclusive jurisdiction over the consummation, performance, administration, effectuation, and enforcement of this Final Order and Judgment as may be necessary and appropriate for the construction and implementation of the terms of the Settlement Agreement, including but not limited to a ruling of Plaintiffs’ Counsel’s forthcoming motion for

approval of the proposed attorneys' fees and costs and settlement administration expenses; and it is

FURTHER ORDERED that this action is hereby dismissed in its entirety as against Defendant with prejudice, and without attorney's fees or costs to any party except as provided in the Fee Award pursuant to the Settlement Agreement. This Final Order and Judgment is "final" within the meaning of the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure; and it is


FURTHER ORDERED that the Parties shall abide by all terms of the Settlement Agreement, which are incorporated herein, and this Order; and it is

FURTHER ORDERED that counsel for the Parties are authorized to jointly use all reasonable procedures in connection with the approval and administration of the settlement that are not materially inconsistent with this Order or the Settlement Agreement, including making, without further approval of the Court, minor changes to the form or content of the Notice that they jointly agree are reasonable or necessary.

The Clerk is directed to terminate the instant action and to forward copies of this Order to counsel of record.

It is SO ORDERED.

Alexandria, Virginia
February 14, 2024

/s/ 

Rossie D. Alston, Jr.
United States District Judge