

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

BRENDA WATSON, on behalf of
herself and on behalf of all others
similarly situated,

Plaintiff,

Case No.: 5:19-cv-515-JSM-PRL

v.

VILLAGES TRI-COUNTY MEDICAL
CENTER, INC.,

Defendant.

ORDER

THIS CAUSE comes before the Court on Plaintiff's Unopposed Motion for Approval of Collective Action Settlement. (Doc. 40). This case involves a collective action filed under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* The parties request that the Court (1) grant preliminary approval of the Joint Stipulation of Settlement and Release ("Settlement Agreement"), attached as Exhibit A to the Motion, and (2) approve the proposed Notice of Collective Action Settlement ("Notice"), attached as Exhibit B to the Motion and direct its distribution in accordance with the terms of the Settlement Agreement. (Doc. 40).

I. Background

This is a collective action to enforce the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA"). Defendant operates a hospital in Sumter County,

Florida. Named Plaintiff, Brenda Watson, began working for Defendant as a registered nurse in 2013 and is still employed by Defendant today. She brings this action on behalf of herself and a group of similarly-situated registered nurses (“RNs”), licensed practical nurses (“LPNs”), and certified nurse assistants (“CNAs”) employed by Defendant who were not paid minimum wage or overtime (time-and-a-half) for hours spent taking Advanced Cardiovascular Life Support (“ACLS”) and Basic Life Support (“BLS”) classes required by Defendant. The parties have engaged in early mediation of this case, prior to conducting discovery. The parties have come to an agreement to resolve the case on a class-wide basis.

II. Discussion

A claim brought under the FLSA can be settled and resolved in two ways. First, an employee may settle and waive claims under the FLSA if the payment of unpaid wages by the employer to the employee is supervised by the Secretary of Labor. 29 U.S.C. § 216(c); Lynn’s Food Stores, Inc. v. U.S., 679 F.2d 1350, 1353 (11th Cir. 1982). Alternatively, an employee may settle and waive claims under the FLSA if the parties file a proposed settlement agreement with a district court, and the district court enters a judgment approving the settlement. Id. To approve the settlement, the district court must determine whether the settlement agreement is a “fair and reasonable resolution of a bona fide dispute” of the FLSA issues. Id. at 1354-55. “If the parties submit a stipulation stating that the plaintiff’s claims will be paid in full, without compromise, there is no need for the

[c]ourt to review the settlement.” Bonetti v. Embarq Management Co., 715 F. Supp.2d 1222, 1227 n. 7 (M.D. Fla. 2009).

Defendant has agreed to create a settlement common fund of up to \$143,750.00 (“the Fund”). The Fund will cover awards to class members. The Defendant has also agreed to pay \$43,000.00 to Plaintiff’s counsel for attorneys’ fees and costs. At all times, the amount of attorneys’ fees and costs was negotiated separately from the amount to resolve Plaintiff and Class FLSA claims. Named Plaintiff, Brenda Watson, along with current opt-in Plaintiffs, Julie Widman and Mary Hayes, will each receive \$2,500.00 in exchange for a general release of claims. In addition to the Fund, Defendant is responsible for paying the employer’s share of employment taxes, including federal and state payroll taxes, the employer’s share of the FICA tax, and any federal and state unemployment tax due on the portion of class members’ settlement awards that is allocated to wages.

The parties state that the Named Plaintiff and FLSA Class members who opt-in to the settlement will release all Florida common law wage claims and release their FLSA claims if they file consent forms to opt-in to this lawsuit, thus satisfying the FLSA’s opt-in mechanism. The parties present to the Court that the FLSA class consists of the approximately 634 current and former RNs, LPNs, and CNAs who worked for Defendant at The Villages Regional Hospital in The Villages Florida from December 15, 2017, through December 15, 2020 who believe they were not paid minimum wage or overtime

for hours spent taking ACLS and BLS classes required by Defendant, and opt-in to the lawsuit.

Upon review of the Settlement Agreement, the Court finds that the parties' Settlement Agreement is fair and reasonable as it relates to all of Plaintiffs' claims under the FLSA. However, the Court's approval of the Settlement Agreement in no way alters any party's obligation to pay or withhold appropriate sums for tax purposes in accordance with the requirements of the Internal Revenue Code. Moreover, the Court's approval does not affect Defendant's obligations toward any of its other current or former employees or the employees' rights to seek redress if they have been denied rights under the FLSA and elected not to opt-in to this collective action.

III. Conclusion


Accordingly, it is hereby **ORDERED** that:

1. Plaintiff's Unopposed Motion for Approval of Collective Action Settlement (Doc. 40) is **GRANTED**.
2. The parties' Joint Stipulation of Settlement and Release ("Settlement Agreement") (Doc. 40-1) is **APPROVED** and shall **GOVERN** the parties' conduct in settlement of this Civil Action.
3. The parties' Notice of Collective Action Settlement ("Notice") (Doc. 40-2) is **APPROVED**.

4. Defendant shall issue payment to Plaintiff, current opt-ins Widman and Hayes, and to Plaintiff's Counsel for attorneys' fees and costs, in accordance with the Settlement Agreement.

5. The Settlement Agreement does not bind any party who is not named as a party in the Settlement Agreement or referenced as an assign attorney or successor to the named parties. The Settlement Agreement also does not bar any claim by any third-party that may be brought against either party to this action.

ORDERED in Tampa, Florida, on January 27, 2021.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**BRENDA WATSON, on behalf of
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Plaintiff,

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**VILLAGES TRI-COUNTY MEDICAL
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Defendant.

ORDER

Plaintiff moves (Doc. 39) for conditional certification and authorization of notice to the class. Defendant has no objection to the relief sought, and the Motion (Doc. 39) was filed unopposed. Accordingly, Plaintiff's Motion (Doc. 39) is **GRANTED**.

The conditionally certified class comprises of current and former RNs, LPNs, and CNAs who worked for Defendant at The Villages Regional Hospital in The Villages Florida from December 15, 2017, through December 15, 2020 who believe they were not paid minimum wage or overtime for hours spent taking ACLS and BLS classes required by Defendant.

Within fourteen (14) days of this Order, Defendant shall produce, in an electronic readable format, to the undersigned counsel a list containing the full names, last known addresses, telephone numbers, and e-mail addresses of putative class members who worked


for Defendant for the three (3) years preceding the filing of Plaintiff's Complaint and the present who fit the class-defined parameters.

Defendant shall send the initial notice, in the form attached to the Motion as Exhibit A, to all individuals whose names appear on the list produced by Defendant's counsel by first-class mail. Defendant shall also post at all of its business locations a copy of the initial notice in the form attached to the Motion as Exhibit A.

Defendant shall send a follow-up notice, in the form attached to the Motion as Exhibit B, to all individuals whose names appear on the list produced by Defendant's counsel but who, by the fourteenth day prior to the close of the Court-approved notice period, have yet to opt in to the instant action.

All individuals whose names appear on the list produced by Defendant's counsel shall have a total of sixty (60) days from the date the notices are initially mailed to file a Consent to Become Opt-In Plaintiff form, in the form attached to the Motion as Exhibit C.

ORDERED in Tampa, Florida, on January 27, 2021.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE