

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**BRIAN SMITH; and ROSEANN
MIRACOLA, SCOTTY POARCH, and
MARK YOUNG, on behalf of themselves
and those similarly situated persons,**

Plaintiffs,

v.

**KELLOGG COMPANY and KELLOGG
SALES COMPANY,**

Defendants.

1:18-cv-01341-PLM-RSK

**District Judge Paul L. Maloney
Magistrate Judge Ray Kent**

**ORDER GRANTING PRELIMINARY APPROVAL
OF FAIR LABOR STANDARDS ACT SETTLEMENT AND AUTHORIZING NOTICE
TO PLAINTIFFS AND FLSA COLLECTIVE**

Having reviewed the Parties' Joint Motion for Preliminary Approval of Fair Labor Standards Act Settlement and To Authorize Notice of Settlement To Plaintiffs and FLSA Collective ("Joint Motion"), the Court hereby GRANTS the Parties' Joint Motion and ORDERS:

(i) The form and content of the proposed Notice of Fair Labor Standards Act Settlement and Release of Claims and Claim Form to the FLSA Collective (Exhibit A-3 to the Joint Motion) is APPROVED;

(ii) The Court DIRECTS the Parties' Settlement Administrator to send the Notice and Claim Form to the FLSA Collective (Exhibit A-3 to the Joint Motion) by First Class Mail;

(iii) The Court ORDERS that any FLSA Collective member wishing to participate in the settlement must return a Claim Form, which must be received by the Settlement Administrator no later than sixty (60) calendar days after the mailing of the Notice and Claim Form;

(iv) The form and content of the proposed Notice of Fair Labor Standards Act Settlement and Release of Claims to the Opt-In Plaintiffs (Exhibit A-4 to the Joint Motion) is APPROVED;

(v) The Court DIRECTS Plaintiffs' Counsel to send the Notice of Fair Labor Standards Act Settlement and Release of Claims to the Opt-In Plaintiffs (Exhibit A-4 to the Joint Motion) by First Class Mail and/or email;

(vi) The Court ORDERS that any Opt-In Plaintiff who wishes to opt out of this action and thereby be excluded from the settlement must send notice of their desire to opt out to the Settlement Administrator no later than thirty (30) calendar days after the mailing/emailing Notice of Fair Labor Standards Act Settlement and Release of Claims to the Opt-In Plaintiffs;

(vii) Any objections must be received by the Settlement Administrator no later than sixty (60) calendar days after the mailing of the Notices;

(viii) The Court FINDS the proposed FLSA settlement (1) involves the resolution of a bona fide dispute over an FLSA provision, and (2) appears fair and reasonable;

(ix) Accordingly, the Court GRANTS preliminary approval of the Parties' proposed Final Settlement Agreement;

(x) A fairness hearing regarding the final approval of the FLSA settlement is set for **June 14, 2021, at 9:00 a.m.**, at the United States District Court for the Western District of Michigan at 174 Federal Building, 410 W. Michigan Avenue, Kalamazoo, MI 49007.

IT IS SO ORDERED.

Signed this 1st day of March 2020.

/s/ Paul L. Maloney
Honorable Paul L. Maloney
United States District Judge