

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JASON RODRIGUES and	)	
JONATHAN NELSON,	)	
on behalf of themselves and	)	
others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 1:15-cv-13958
	)	
v.	)	
	)	
DEL FRISCO’S OF BOSTON, LLC,	)	
	)	
Defendant.	)	

**ORDER GRANTING PRELIMINARY APPROVAL  
TO CLASS ACTION SETTLEMENT, AUTHORIZING NOTICE,  
AND SETTING FINAL APPROVAL HEARING DATE**

This matter comes before the Court on an assented-to motion filed by Plaintiffs Jason Rodrigues and Jonathan Nelson, on behalf of themselves and all others similarly situated, seeking preliminary approval of a class action settlement pursuant to Rule 23(e) of the Federal Rules of Civil Procedure and 29 U.S.C. § 216 of the federal Fair Labor Standards Act.

A preliminary approval hearing concerning that motion was held on April 26, 2017. Prior to that hearing, Plaintiffs submitted a motion and memorandum in support of preliminary approval of this proposed settlement. Submitted as exhibits to that motion and memorandum were a copy of the parties’ executed settlement agreement, a proposed form of notice, release, and claim form for the proposed settlement class members, and the text of this proposed order.

This Court has now considered all papers filed and proceedings held, including arguments presented by counsel at the hearing for preliminary approval and those made by Plaintiffs in their preliminary approval motion and memorandum. NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 23, it is hereby ORDERED that:

1. The terms defined in the parties' settlement agreement ("Agreement"), which was attached as "Exhibit 1" to Plaintiffs' Assented-To Motion for Preliminary Class Action Settlement Approval, are incorporated herein.

2. This Court has jurisdiction over the subject matter of this proceeding and all parties in this proceeding, including the administration of the parties' proposed settlement and all members of the Settlement Class.

3. This Court allows Plaintiffs to amend their complaint in this matter in order to assert a claim under the federal Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, and to incorporate all the claims in this case and in the following three related cases: *Castellanos v. Del Frisco's of Boston, LLC*, Case No. 1:16-cv-11505; *Gifford v. Del Frisco's of Boston, LLC*, JAMS Case No. 1400016121; and *Homer v. Del Frisco's of Boston, LLC*, JAMS Case No. 1400016120.

4. Pursuant to Federal Rule 23 and 29 U.S.C. § 216(b), this Court preliminarily certifies and defines the Settlement Class as:

All individuals who worked as wait staff (servers) at Del Frisco's Double Eagle Steak House in Boston, Massachusetts, at any time between June 18, 2012, and the date of preliminary approval, but excluding any individuals who did not start working at Del Frisco's in Boston until after December 31, 2016, who were sent notice about the settlement in accordance with the settlement agreement, and who do not seek to exclude themselves from the class settlement.

For purposes of preliminary approval and notice, the Court finds that this Settlement Class meets all the requirements of Rule 23(a) and (b), and that it is similarly situated for purposes of proceeding collectively under 29 U.S.C. § 216(b).

5. This Court appoints Hillary Schwab and Brant Casavant, of the law firm of Fair Work P.C., as counsel for the Settlement Class. The Court finds and concludes that the Ms.

Schwab and Mr. Casavant are competent and experienced, and will fairly and adequately represent the Settlement Class.

6. This Court preliminary approves the settlement set forth in the Agreement, and finds that the settlement is in the range of fair, reasonable, and adequate settlements that may be subject to final approval under Federal Rule of Civil Procedure 23(e) and 29 U.S.C. § 216.

7. This Court finds and concludes that the proposed form and method of notice is fair, reasonable, and adequate, and satisfies the requirements of Federal Rule 23 and due process. This Court authorizes the parties to retain an independent administration company to issue the approved notice to the Settlement Class Members.

8. The matter of *Castellanos v. Del Frisco's of Boston, LLC*, Case No. 1:16-cv-11505, will remain administratively stayed during the settlement process in this matter, subject to dismissal pending final approval of the parties' proposed settlement.

9. The Court shall hold a public hearing in order to consider the potential final approval of the parties' proposed settlement on August 17, 2017 at 2:00 p.m.

10. The terms of the Agreement remain binding upon the parties thereto, who are directed to implement its provisions.

ENTERED this 27th day of April, 2017.

/s/ Allison D. Burroughs  
The Honorable Allison D. Burroughs  
United States District Judge