

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MATTHEW MCPHERSON,)
on behalf of himself and all others)
similarly situated,)
)
Plaintiff,)

v.)

Case Nos. 1:14-cv-02475, 1:16-cv-00138

HORSESHOE CLEVELAND)
MANAGEMENT, LLC D/B/A)
HORSESHOE CASINO)
CLEVELAND)
)
Defendant.)

Judge Solomon Oliver, Jr.

ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT

MICHAEL ALVAREZ,)
on behalf of himself and all other)
similarly situated,)
)
Plaintiff,)

v.)

HORSESHOE CLEVELAND)
MANAGEMENT, LLC D/B/A)
HORSESHOE CASINO)
CLEVELAND)
)
Defendant.)

On August 26, 2016, plaintiffs Matthew McPherson and Michael Alvarez and defendant Horseshoe Cleveland Management, LLC d/b/a Horseshoe Casino

Cleveland (“HCM”) moved the Court to approve preliminarily the two collective and class actions referenced above. Having fully considered the Joint Motion for Preliminary Approval of Class Action Settlement and the Motion for Preliminary Approval of Class Counsel’s Attorney’s Fees and Litigation Costs, and for good cause established therein, the Court orders as follows:

1. Unless otherwise defined, all terms used in this order have the same meaning as defined in the Settlement Agreement.
2. Plaintiffs allege that HCM violated the Fair Labor Standards Act and Ohio state law by misclassifying its table games and poker game supervisors as exempt from federal and state overtime provisions.
3. Both the class and merits issues in these actions were contested. The settlement was achieved after arms-length and good faith negotiations between the parties and their counsel, who have extensive wage and hour litigation experience.
4. The Court preliminarily approves the settlement of this action upon the terms and conditions set forth in the Settlement Agreement. The Court finds preliminarily that the gross settlement amount of \$900,000 is fair, adequate, and reasonable as to all potential settlement class members when balanced against the risks inherent in further litigation, and ultimately relating to liability and damages issues.

5. For purposes of settlement only, the Court conditionally certifies the following settlement classes: All current and former (1) table games supervisors employed by HCM at any time between January 1, 2012 and the date this Order is entered and (2) poker supervisors employed by HCM at any time between January 20, 2013 and the date this Order is entered.

6. Named plaintiffs Matthew McPherson and Michael Alvarez hereby are appointed class representatives and the service payments of \$20,000 to named plaintiff McPherson and \$15,000 to named plaintiff Alvarez are hereby approved preliminarily.

7. Anthony J. Lazzaro, Chastity L. Christy, and Lori M. Griffin of The Lazzaro Law Firm, LLC are hereby appointed as class counsel and their attorney's fee request of \$300,000 and litigation costs of \$16,347 are approved preliminarily.

8. The Court confirms CPT Group, Inc. as settlement administrator and approves the notice and claim procedures set forth in the Settlement Agreement.

9. The Court approves as to form and content the Notice to the Class of Proposed Settlement and the Claim Form, attached hereto as exhibits 1 and 2.

10. The Court directs HCM to provide to CPT Group a list showing the names, last known addresses, and social security numbers of each settlement class member no later than 20 days after entry of this Order. CPT Group will send to

each settlement class member the Notice of the Proposed Settlement and Claim Form by first class mail, no later than 30 days from the date this Order is entered.

11. The joint motion for final approval of the settlement will be filed by the parties no later than 30 days after the end of the 30-day claims filing and opt-out period.

12. The Court will conduct a final approval hearing on November 17, 2016, in Courtroom No. 19A of the United States District Court for the Northern District of Ohio, 801 West Superior Avenue, Cleveland, Ohio, 44113 at 10:00 a.m., to determine whether the proposed settlement should be finally approved.

Date:

September 2, 2016

/s/SOLOMON OLIVER, JR.

Chief Judge

United States District Court

Approved as to form:

/s/ Anthony J. Lazzaro
Anthony J. Lazzaro (0077962)
Chastity L. Christy (0076977)
Lori M. Griffin (0085241)
The Lazzaro Law Firm, LLC
920 Rockefeller Building
614 W. Superior Avenue
Cleveland, Ohio 44113
Phone: 216-696-5000
Facsimile: 216-696-7005
anthony@lazzarolawfirm.com
chastity@lazzarolawfirm.com
lori@lazzarolawfirm.com

/s/ Ryan J. Morley
Ryan J. Morley (0077452)
Alex R. Frondorf (0087071)
Morena L. Carter (0088825)
LITTLER MENDELSON P.C.
1100 Superior Avenue, 20th Floor
Cleveland, Ohio 44114
Telephone: (216) 696-7600
Facsimile: (216) 696-2038
Email: rmorley@littler.com
afrondorf@littler.com
mlcarter@littler.com

Class Counsel

/s/ Joel M. Cohn
Joel M. Cohn (*pro hac vice*)
Allison S. Papadopoulos (*pro hac vice*)
AKIN GUMP STRAUSS HAUER & FELD
LLP
1333 New Hampshire Avenue, NW
Washington, D.C. 20036
Telephone: (202) 887-4000
Facsimile: (202) 887-4288
Email: jcohn@akingump.com
apapadopoulos@akingump.com

Attorneys for defendant