

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

2016 JUN 14 P 1:56

ELVIS MOODIE, RAYON FISHER,)
DESMOND ELLIS, and)
KEISHA COLLINS-ENNIS, on behalf of)
themselves and all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
KIAWAH ISLAND INN COMPANY, LLC,)
d/b/a KIAWAH ISLAND GOLF RESORT,)
)
Defendant.)

Case No. 2:15-cv-01097-RMG

ORDER

This matter is before the Court on the Parties' Joint Motion for Preliminary Approval of Class Action Settlement Agreement and Notice to Class Members.

IT IS HEREBY ORDERED:

1. The Court finds that the proposed Settlement is within the range of fairness and reasonableness and grants preliminary approval of it.
2. For purposes of the claims brought pursuant to the South Carolina Payment of Wages Act and for breach of contract, which were previously certified by this Court for class action treatment pursuant to Federal Rule of Civil Procedure 23 (ECF No. 58, as modified by ECF No. 91), the Settlement with respect to the state law claims covers the following class of individuals:

All those individuals admitted as H-2B temporary foreign workers pursuant to 8 U.S.C. § 1101(a)(15)(H)(ii)(b) who were employed by the Defendant in 2012, 2013, 2014, and 2015.

3. A hearing on the fairness and reasonableness of the Settlement and whether final approval shall be given will be held before this Court on Friday, December 16, 2016, at 4 p.m.

4. The Court approves as to form and content the proposed Notice and Claim Form attached as Exhibit D to the parties' Settlement, and directs Class Counsel to mail the Notice and Claim Form to each Class Member within twenty (20) business days of the entry of this Order. Class Counsel shall file a Notice with the Court upon completion of the mailing.

5. The Court finds that mailing of Notice to the class members and provision of Notice to class members is the only notice required and that such notice satisfies the requirements of due process and Federal Rule of Civil Procedure 23(e)(1).

6. Any Class Member who has not previously filed a consent to sue form and who wishes to file a claim as a Class Member must submit a completed Claim Form to Class Counsel, which must be received within 120 days after the date the Class Notice is mailed.

7. Any Rule 23 Class Member who desires to exclude himself from the action must submit a written request for exclusion to the Clerk of Court that must be received within 120 days after the date the Class Notice is mailed.

8. Any Class Member who wishes to object to the Settlement must submit a written objection to the Clerk of Court that must be received within 120 days after the date the Class Notice is mailed. It is not necessary for any class member objecting to the Settlement to appear in person at the fairness hearing on December 16, 2016.

9. Class Counsel shall file any motion for approval of an award of costs and attorneys' fees, pursuant to the terms of the Settlement, no later than ten (10) days prior to the final fairness hearing.

10. The parties may file memoranda in support of the Settlement prior to the fairness hearing. Any submission must be filed no later than ten (10) days prior to final fairness hearing.

11. Settlement Services, Inc., of Tallahassee, Florida, is appointed to act as the Settlement Administrator, pursuant to the terms of the Settlement.

12. The Court reserves the right to adjourn the date of the final fairness hearing without further notice to the class members. The Court retains jurisdiction to consider further applications arising out of or in connection with the Settlement.

It is further **ORDERED** that the joint motion for preliminary approval of class settlement and notice to the class is **GRANTED**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

June 14, 2016
Charleston, South Carolina