

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

William Crigler, Individually and on Behalf
of All Other Persons Similarly Situated,

Plaintiff,

v.

Seven Point Energy Services, Inc.,

Defendant.

Civil Action No. 2:19-cv-00604-MJH

[PROPOSED] PRELIMINARY APPROVAL ORDER

Upon consideration of the Consent Motion for Preliminary Approval and its supporting exhibits, it is ORDERED:

1. For purposes of settlement only, the Court preliminary finds the class defined as all current and former non-exempt hourly employees employed by Defendant to meet the requirements of Fed. R. Civ. P. 23(a) and (b)(3) and Section 216(b) of the Fair Labor Standards Act (“FLSA”) and it is therefore conditionally certified (referred to herein as “the Settlement Class”).
2. The Court conditionally approves Named Plaintiff William Crigler as Class Representative.
3. The Court conditionally appoints Nicholas A. Migliaccio and Jason S. Rathod of Migliaccio & Rathod LLP and D. Aaron Rihn of Robert Peirce & Associates, P.C. as Class Counsel.
4. The proposed settlement set forth in the Settlement Agreement, attached as Exhibit A

to the Memorandum in Support of the Consent Motion for Preliminary Approval (“Memo”), appears upon preliminary review to be fair, reasonable and adequate, negotiated and entered into at arm’s length and in good faith, within the range of possible judicial approval, and the product of *bona fide* disputes over FLSA liability and therefore is preliminarily approved for consideration at a final approval or fairness hearing.

5. The form and content of the Notice of Settlement (the “Notice”) attached as Exhibit B to the Memo, is approved. The Notice will inform class members that they do not need to take any action to participate in this settlement. Unless they take steps to exclude themselves out of the settlement, they will receive a settlement check as described in the Notice in exchange for waiver of certain legal rights against Seven Point.

6. The Court orders that, as provided in the Settlement Agreement, within 15 days after an order granting preliminary approval, Defendant shall provide Plaintiff’s counsel with a list of the name, last known address, email address (if available), and payroll records covered by the applicable class period for each member of the Settlement Class. Within 30 days after preliminary approval, Plaintiff’s counsel will mail and email (when applicable) the Notice to Class members. Anyone in the Class who wishes to object to the settlement must file with the Court and serve on the parties an objection describing the reasons for objecting within 45 days after the initial mailing of the Notice. Anyone in the Class who wishes to opt-out of the Settlement must send a letter to Plaintiff’s counsel within 45 days after notice was mailed, signed by the member of the Class, explaining that he or she wants to be excluded from the Class. The letter should include the name, address, telephone number, and the last four digits of the putative opt-out’s social security number.

7. A final approval or fairness hearing will be held on _____, 2020, at _____.m. in Courtroom _____.

8. Under the authority of the All Writs Act, 28 U.S.C. § 1651(a), the Court enjoins members of the Class from initiating any lawsuit and stays until final approval any pending lawsuits, asserting any claims pertaining to hours of work, overtime pay, or failure to pay overtime pay, including all claims that are or could be raised in the Complaint, against Defendant Seven Point Energy Services, Inc., on behalf of anyone in the Class.

9. Counsel for the parties are authorized to jointly use all reasonable procedures in connection with approval and administration of the settlement that are not materially inconsistent with this Order or the Settlement Agreement, including making without further approval of the Court minor changes to the form or content of the Notice, and other exhibits that they jointly agree are reasonable and necessary.

SO ORDERED this _____ day of _____, 2020

The Honorable Marilyn J. Horan
United States District Judge