

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:25-cv-293-MOC-DCK**

MATTHEW BOYD,)
Individually, and on behalf of others similarly)
situated)
)
Plaintiff,)
)
vs.)
)
FONTAINE MODIFICATION COMPANY,)
)
Defendant.)

ORDER

THIS MATTER is before the Court on Plaintiff’s Unopposed Motion for Preliminary Approval of Collective and Class Action Settlement and for Preliminary Collective and Class Certification for Settlement Purposes (Doc. No. 47). Having considered Plaintiff’s motion and reviewed the pleadings, the Court **GRANTS** Plaintiff’s motion.

IT IS THEREFORE ORDERED:

1. The parties’ Settlement Agreement and Release (the “Settlement”) is preliminarily approved as it meets the criteria for preliminary settlement approval. The Settlement appears to be the product of arm’s-length and informed negotiations and falls within the range of possible approval as fair, adequate, and reasonable, and to treat all Collective and Class Members fairly.
2. The parties’ proposed notice plan is constitutionally sound because individual notices will be mailed to all Collective and Class Members whose identities are known to the parties, and such notice is the best notice practicable. The parties’ proposed “Collective Notice Packet,” comprised of the Notice of a Collective Action Settlement and Consent to Join and Claim Form

(Settlement Agreement, Exs. 1 and 2), and the parties' proposed "Class Notice Packet," comprised of the Notice of a Class Action Settlement (Settlement Agreement, Ex. 3), are sufficient to inform Collective and Class Members of the terms of the Settlement, their rights under the Settlement, their rights to object to the Settlement, their rights to join the Settlement or opt out of the Settlement and the process for doing so, and the date and location of the final approval hearing, and are therefore approved.

3. The proposed Settlement Class satisfies the requirements of a settlement class because the Class Members are readily ascertainable from payroll records and a well-defined community of interest exists in the questions of law and fact affecting the parties.

4. Accordingly, the Court hereby conditionally certifies the following Settlement Class pursuant to FED. R. CIV. P. 23 for the purpose of entering a settlement in this matter, in accordance with the terms of the Settlement Agreement: All hourly-paid, non-exempt workers employed by Defendant in the Commonwealth of Virginia at any time from May 1, 2022 through the date of this Order.

5. The Court also hereby conditionally certifies the following Settlement Collective pursuant to Section 216(b) of the FLSA, for the purpose of entering a settlement in this matter, in accordance with the terms of the Settlement Agreement: All hourly-paid, non-exempt workers employed by Defendant in any place covered by the Fair Labor Standards Act at any time from May 1, 2022 through the date of this Order, excluding those in the Settlement Class.

6. Plaintiff Matthew Boyd is appointed as the Collective and Class Representative.

7. Eric Sands of Brown, LLC, and Brian L. Kinsley of Cox, Stansberry & Kinsley are appointed as Collective and Class Counsel.

8. CPT Group, Inc. is appointed to act as the Settlement Administrator, pursuant to the terms set forth in the Settlement.

9. The Collective Notice Packet and Class Notice Packet shall be disseminated according to the notice plan described in the Settlement Agreement and substantially in the form submitted by the parties. Proof of distribution of notice shall be filed by the parties at or prior to the final approval hearing.

10. The Parties are directed to provide the Settlement Administrator no later than fourteen (14) days after the date of this Order the Collective Members' and Class Members' data, as specified by the Settlement Agreement.

11. The Settlement Administrator is directed to mail the approved Notice Packets by first-class mail to the Collective Members and Class Members no later than thirty (30) days after the date of this Order, as specified by the Settlement Agreement.

12. Any Collective or Class Member who wishes to object to any term of the Settlement must file his or her objection with the Court and serve it on counsel for the Parties no later than forty-five (45) days after the Settlement Administrator mails the Settlement Forms. The objection shall indicate whether the Member intends to appear at the final approval hearing.

13. Any Collective Member who is not already an Opt-in Plaintiff and wishes to join the Settlement must submit a Consent to Join and Claim Form to the Settlement Administrator no later than forty-five (45) days after the Settlement Administrator mails the Collective Notice, pursuant to the procedures set forth in the approved Collective Notice Packet. Plaintiff and existing Opt-in Plaintiffs need not submit another form.

14. Any Class Member may exclude himself or herself from the Settlement by submitting a written statement headed “Request for Exclusion from Settlement” to the Settlement Administrator by first-class mail, postmarked no later than forty-five (45) days from the postmark of the Class Notice, pursuant to the procedures set forth in the approved Class Notice Packet.

15. In the event the Settlement is given final approval by the Court, upon the Effective Date of the Settlement, Plaintiff, each Opt-in Plaintiff, and each Settlement Collective Member who submits a timely and valid Consent to Join and Claim Form will release the Released Parties from all claims arising under the Fair Labor Standards Act that were asserted in the Action or could have been asserted based on the factual allegations in the Action, including the wage-and-hour claims identified in the Settlement Agreement, arising on or before the date of preliminary approval. Collective Members who are not existing Opt-in Plaintiffs and do not submit timely and valid Consent to Join and Claim Forms will not release any FLSA claims.

16. In the event the Settlement is given final approval by the Court, upon the Effective Date of the Settlement, Class Members who have not opted out will release the Released Parties from all claims that were asserted in the Action or could have been asserted based on the factual allegations in the Action, including covered Virginia wage-and-hour and recordkeeping claims, arising on or before the date of preliminary approval. A Participating Class Member’s release of covered FLSA claims will become effective upon issuance of that Participating Class Member’s Settlement Payment check.

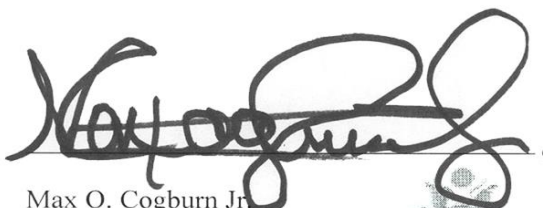
17. Collective and Class Counsel shall file with the Court no later than ten (10) days before the final approval hearing a Motion for Final Approval of this Settlement and Approval of Attorneys' Fees, Litigation and Administrative Costs, and Service Award.

18. A final hearing will be held on December 7, 2026, at 9:30 a.m., to determine whether the Settlement should be granted final approval as fair, reasonable, and adequate as to the Collective and Class Members. The Court will hear all evidence and argument necessary to evaluate the Settlement, and will consider Plaintiff's and Collective and Class Counsel's requests for approval of attorneys' fees, litigation and administrative costs, and the Service Award. Collective and Class Members and their counsel may support or oppose the Settlement and the requested awards, if they so desire, as set forth in the approved Notice Packets. Any Collective or Class Member may appear at the final approval hearing in person or by his or her own attorney and show cause why the Court should not approve the Settlement or the requested awards, as set forth in the approved Notice Packets.

19. The Court reserves the right to continue the date of the final approval hearing without further notice to Collective or Class Members. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement.

IT IS SO ORDERED.

Signed: September 1, 2026



Max O. Cogburn Jr.
United States District Judge