

RUTH SHERMAN,¹ on behalf of herself and
all others similarly situated,
Plaintiff,

v.

ALEX M. AZAR II, Secretary of
Health & Human Services,
Defendant.

No. 3:15-cv-01468 (JAM)

**ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT AGREEMENT**

Rule 23 of the Federal Rules of Civil Procedure provides that a court may approve a class action settlement only if it is “fair, reasonable, and adequate.” Fed. R. Civ. P. 23(e)(2). The Court must review the negotiating process leading up to the settlement for procedural fairness, in order to ensure that the settlement resulted from an arm’s length, good faith negotiation between experienced and skilled litigators. *See Charron v. Wiener*, 731 F.3d 241, 247 (2d Cir. 2013). In addition, the Court must also evaluate the substantive fairness of the proposed settlement in light of the following factors: (1) the complexity, expense, and likely duration of the litigation; (2) the reaction of the class to the settlement; (3) the stage of the proceedings and the amount of discovery completed; (4) the risks of establishing liability; (5) the risks of establishing damages; (6) the risks of maintaining the class action through the trial; (7) the ability of the defendants to withstand a greater judgment; (8) the range of reasonableness of the settlement fund in light of the best possible recovery; and (9) the range of reasonableness of the settlement fund to a possible recovery in light of all the attendant risks of litigation. *Ibid.*

I have considered each of these factors, and in the absence of any objection to the parties’ proposed class action settlement, I conclude that the proposed settlement is fair, reasonable, and

¹ The parties’ names have been substituted pursuant to Rule 25 of the Federal Rules of Civil Procedure.

adequate in light of all the circumstances. Accordingly, the Court GRANTS final approval of the parties' settlement agreement.

It is so ordered.

Dated at New Haven this 26th day of February, 2018.

/s/ Jeffrey Alker Meyer
Jeffrey Alker Meyer
United States District Judge