

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Kasondra Mathews, on her own behalf and on behalf of all others
similarly situated v. Elite Nurses Management LLC

Mathews v. Elite Nurses Management LLC, Civil Action No. 24-cv-01518-PAB-KAS (D. Colo. Mar. 6, 2026) ·
No. 24-cv-01518-PAB-KAS · Decided March 6, 2026

SUMMARY

The United States District Court for the District of Colorado considers motions for preliminary approval of a collective and class action settlement and for attorney fees in an overtime wage dispute. The Court analyzes Rule 23 requirements, including numerosity, commonality, typicality, adequacy, predominance, superiority, and the preliminary fairness of the proposed settlement. The proposed settlement involves a \$100,000 gross fund for certain allegedly misclassified hourly employees, subject to specified service, attorney fee, administrative, and tax deductions.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Philip A. Brimmer
JURISDICTION	United States District Court for the District of Colorado
DECIDED	March 6, 2026
DOCKET	24-cv-01518-PAB-KAS
DISPOSITION	approved
PROCEDURAL POSTURE	Plaintiff filed wage-and-hour class and FLSA collective claims in Colorado state court. Defendant removed the action to federal court. The parties jointly moved for preliminary approval of a class and collective action settlement, conditional certification of an FLSA collective, approval of notices, and an attorney-fee award.
STANDARD OF REVIEW	The court applied the preliminary-approval standards for Rule 23 class settlements, requiring that the proposed settlement appear to result from serious, informed, noncollusive negotiations, have no obvious deficiencies, and not improperly favor class representatives. It also applied the lenient substantial-allegations standard for conditional FLSA collective certification and reviewed the requested attorney fees for reasonableness.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Kasondra Mathews v. Elite Nurses Management LLC

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QUESTIONS PRESENTED

1. Whether the proposed settlement class satisfied the requirements for preliminary certification under Federal Rule of Civil Procedure 23(a) and Rule 23(b)(3).
2. Whether the proposed class settlement should receive preliminary approval under Federal Rule of Civil Procedure 23(e).
3. Whether the proposed FLSA collective should be conditionally certified under 29 U.S.C. § 216(b).
4. Whether the proposed FLSA settlement was supported by a bona fide dispute and was fair and reasonable.
5. Whether the proposed attorney-fee award of \$35,000 was reasonable.
6. Whether the proposed Rule 23 and FLSA notices and notice schedule satisfied applicable procedural and due-process requirements.

HOLDINGS

1. The proposed settlement class satisfied Rule 23's numerosity, commonality, typicality, adequacy, predominance, and superiority requirements, and was preliminarily certified under Rule 23.
2. The proposed class settlement was preliminarily approved because it appeared to be the product of fair and honest, arm's-length, noncollusive negotiations, presented no obvious deficiencies, and provided a reasonable basis for proceeding to notice and a final fairness hearing.
3. The FLSA collective was conditionally certified under 29 U.S.C. § 216(b) because the complaint contained substantial allegations that the proposed collective members were similarly situated victims of a common policy or plan to avoid overtime payments.
4. The proposed FLSA collective settlement was preliminarily approved because the parties demonstrated a bona fide dispute, the settlement was fair and reasonable, and the agreement did not undermine the purposes of the FLSA.
5. The \$35,000 attorney-fee award was reasonable under the applicable lodestar, percentage-of-fund, and Johnson-factor analyses.
6. The proposed FLSA and Rule 23 notices and notice schedule were approved subject to specified revisions concerning the defendant's name, opt-in and opt-out instructions, counsel rights, potential participation obligations, terminology, and Spanish-language versions.

KEY QUOTATIONS

“Preliminary approval of a class action settlement, in contrast to final approval, is at most a determination that there is . . . ‘probable cause’ to submit the proposal to class members and hold a full-scale hearing as to its fairness.” (Section II)

“Plaintiff is required to provide “nothing more than substantial allegations that the putative class members were together the victims of a single decision, policy or plan.”” (Section V.A)

*“The Court finds that the presumption of fairness, see *In re Warfarin Sodium*, 391 F.3d at 535, is sufficient to preliminarily approve the terms of the proposed settlement agreement.” (Section III.G)*

FACTUAL BACKGROUND

Mathews alleged that Elite Nurses Management LLC employed her and similarly situated healthcare workers in Colorado from approximately 2020 through 2023, classified them as independent contractors, and failed to pay overtime wages. The proposed settlement covered Colorado employees classified as 1099 contractors from July 31, 2020 through December 31, 2023 who were not paid proper overtime wages. The settlement provided for a \$100,000 gross fund, including a \$10,000 service award, \$35,000 in attorney fees and costs, and the remaining amount for participating class members after specified expenses and employer taxes.

PROCEDURAL HISTORY

Mathews filed the complaint in the District Court for Jefferson County, Colorado, on May 1, 2024. Elite Nurses Management LLC removed the action to the United States District Court for the District of Colorado on May 29, 2024. The district court granted the joint motion for preliminary approval, conditionally certified the FLSA collective, preliminarily certified the Rule 23 settlement class, approved the proposed notices subject to revisions, appointed the class representative and counsel, and directed the parties to schedule a final fairness hearing.

DISPOSITION

approved

CASES CITED

- *McReynolds v. Richards-Cantave*, 588 F.3d 790, 803 (2d Cir. 2009)
- *In re Crocs, Inc. Securities Litigation*, No. 07-cv-02351-PAB-KLM, 2013 WL 4547404, at *3, *12 (D. Colo. Aug. 28, 2013)
- *Davis v. J.P. Morgan Chase & Co.*, 775 F. Supp. 2d 601, 607 (W.D.N.Y. 2011)
- *In re Motor Fuel Temperature Sales Practices Litigation*, 286 F.R.D. 488, 492 (D. Kan. 2012)
- *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350–51 (2011)
- *Shook v. Board of County Commissioners of the County of El Paso*, 386 F.3d 963, 967–68 (10th Cir. 2004)
- *In re Initial Public Offerings Securities Litigation*, 471 F.3d 24, 41 (2d Cir. 2006)
- *DG ex rel. Stricklin v. Devaughn*, 594 F.3d 1188, 1194–95, 1198–99 (10th Cir. 2010)

- In re Literary Works in Electronic Databases Copyright Litigation, 654 F.3d 242, 249 (2d Cir. 2011)
- Amchem Products, Inc. v. Windsor, 521 U.S. 591, 615, 620–26 (1997)
- Elna Sefcovic, LLC v. TEP Rocky Mountain, LLC, 807 F. App'x 752, 757 (10th Cir. 2020)
- Tennille v. Western Union Co., 785 F.3d 422, 434 (10th Cir. 2015)
- Colo. Cross Disability Coalition v. Abercrombie & Fitch Co., 765 F.3d 1205, 1215 (10th Cir. 2014)
- Rex v. Owens ex rel. State of Oklahoma, 585 F.2d 432, 436 (10th Cir. 1978)
- Gross v. United States, 128 Fed. Cl. 745, 766 (2016)
- Ellis v. Costco Wholesale Corp., 657 F.3d 970, 981, 985 (9th Cir. 2011)
- General Telephone Co. of the Southwest v. Falcon, 457 U.S. 147, 157 n.13 (1982)
- Marisol A. v. Giuliani, 126 F.3d 372, 376 (2d Cir. 1997)
- Marcus v. BMW of North America, LLC, 687 F.3d 583, 599 (3d Cir. 2012)
- Rutter & Wilbanks Corp. v. Shell Oil Co., 314 F.3d 1180, 1187–88 (10th Cir. 2002)
- Sullivan v. DB Investments, Inc., 667 F.3d 273, 297 (3d Cir. 2011)
- Cordes & Co. Financial Services, Inc. v. A.G. Edwards & Sons, Inc., 502 F.3d 91, 104 (2d Cir. 2007)
- In re Pet Food Products Liability Litigation, 629 F.3d 333, 349 (3d Cir. 2011)
- In re Warfarin Sodium Antitrust Litigation, 391 F.3d 516, 535 (3d Cir. 2004)
- Thiessen v. GE Capital Corp., 267 F.3d 1095, 1102–05 (10th Cir. 2001)
- Stransky v. HealthONE of Denver, Inc., No. 11-cv-02888-WJM-MJW, 2012 WL 6548108, at *4 (D. Colo. Dec. 14, 2012)
- Baldozier v. American Family Mutual Insurance Co., 375 F. Supp. 2d 1089, 1092 (D. Colo. 2005)
- Renfro v. Spartan Computer Services, Inc., 243 F.R.D. 431, 432–34 (D. Kan. 2007)
- Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1353 (11th Cir. 1982)
- Baker v. Vail Resorts Management Co., No. 13-cv-01649-PAB-CBS, 2014 WL 700096, at *1–2 (D. Colo. Feb. 24, 2014)
- Brooklyn Savings Bank v. O'Neil, 324 U.S. 697, 706 (1945)
- Robinson v. City of Edmond, 160 F.3d 1275, 1281 (10th Cir. 1998)
- Guides, Ltd. v. Yarmouth Group Property Management, Inc., 295 F.3d 1065, 1078 (10th Cir. 2002)
- Jane L. v. Bangerter, 61 F.3d 1505, 1510 (10th Cir. 1995)
- Whittington v. Taco Bell of America, Inc., No. 10-cv-01884-KMT-MEH, 2013 WL 6022972, at *5 (D. Colo. Nov. 13, 2013)
- Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 717–19 (5th Cir. 1974)
- DeJulius v. New England Health Care Employees Pension Fund, 429 F.3d 935, 943–44 (10th Cir. 2005)
- In re Integra Realty Resources, Inc., 262 F.3d 1089, 1110 (10th Cir. 2001)
- Hoffmann-La Roche, Inc. v. Sperling, 493 U.S. 165, 169–71 (1989)
- Whitehorn v. Wolfgang's Steakhouse, Inc., 767 F. Supp. 2d 445, 450 (S.D.N.Y. 2011)
- Salomon v. Adderley Industries, Inc., 847 F. Supp. 2d 561, 566–67 (S.D.N.Y. 2012)
- Luque v. AT&T Corp., 2010 WL 4807088, at *7 (N.D. Cal. Nov. 19, 2010)

- **Grilli v. Metropolitan Life Insurance Co., Inc.**, 78 F.3d 1533, 1536–38 (11th Cir. 1996)

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