

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Aaron V. Perry, et al. v. Kansas Star Casino, LLC, et al.

Perry · No. No. 24-1183-KHV · Decided December 9, 2025

SUMMARY

The United States District Court for the District of Kansas considers a renewed motion to approve an FLSA collective action settlement involving tip-pooling practices at Boyd Gaming casinos. The court approves the settlement in part, awards \$196,200 in attorney fees, approves \$414.60 in litigation expenses and a \$1,100 service award, and evaluates the settlement using lodestar and Johnson-factor analyses.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Kathryn H. Vratil
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 9, 2025
DOCKET	No. 24-1183-KHV
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for approval of a renewed FLSA collective action settlement after the Court previously approved final collective certification, found a bona fide dispute and determined that the settlement fund was fair and equitable, but denied without prejudice the initial settlement-approval request and required a full lodestar analysis and a reduced service award.
STANDARD OF REVIEW	The Court independently reviewed the proposed FLSA settlement for a bona fide dispute, fairness and equity to the parties, reasonable attorney fees, and a reasonable service award. It reviewed the requested percentage fee under the Tenth Circuit's hybrid percentage-of-the-fund and lodestar approach, using the lodestar as a reasonableness cross-check.
PRECEDENTIAL VALUE	Unknown
PARTIES	Aaron V. Perry, et al. v. Kansas Star Casino, LLC, et al.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the proposed FLSA collective action settlement was fair and reasonable.
2. Whether the requested attorney-fee award of 25 percent of the \$981,000 common fund was reasonable under the Tenth Circuit's hybrid percentage-of-the-fund and lodestar approach.
3. Whether the requested litigation expenses, service award, and settlement-administration costs were reasonable.

HOLDINGS

1. The settlement was fair and reasonable and was approved for distribution to the 507 collective members.
2. A fee award of 20 percent of the \$981,000 common fund, or \$196,200, was reasonable; the requested 25 percent award was reduced.
3. The Court approved \$414.60 in litigation expenses, a \$1,100 service award to Perry, and \$19,956 for notice and settlement administration.

KEY QUOTATIONS

“To approve the settlement, the Court must find that (1) the litigation involves a bona fide dispute, (2) the proposed settlement is fair and equitable to all parties and (3) the proposed settlement contains an award of reasonable attorney fees.”

“A full lodestar analysis necessarily includes a review of counsel’s detailed billing records.”

“The Court assumes that plaintiffs’ counsel requested and received reasonable fees in James and independently assesses whether counsel’s request in this case is reasonable.”

FACTUAL BACKGROUND

Aaron Perry worked as a table games dealer at Kansas Star Casino for a sub-minimum wage plus tips. Defendants required dealers at nine Boyd Gaming casinos to participate in tip pools, and plaintiffs alleged that the pools improperly allocated tips or PTO-related benefits to Dual Rate Supervisors performing non-tipped managerial floor-supervisor work. The parties settled claims of 507 collective members for a \$981,000 common fund, representing approximately 77 percent of the claimed tip-credit and misallocated-tip damages; defendants had ceased the challenged practice before suit.

PROCEDURAL HISTORY

Plaintiffs filed this FLSA action on October 11, 2024, challenging tip-pooling practices at nine Boyd Gaming casinos. The Court conditionally certified an FLSA collective, later granted final collective certification, and

previously determined that the settlement resolved a bona fide dispute and was fair and equitable but required additional information concerning attorney fees. On the renewed motion, the Court approved the settlement in part, awarding 20 percent of the common fund in attorney fees and approving litigation expenses, a service award, and settlement-administration costs.

DISPOSITION

other

CASES CITED

- James v. Boyd Gaming Corp., 522 F. Supp. 3d 892 (D. Kan. 2021)
- Elston v. Horizon Glob. Ams., Inc., No. 19-2070-KHV, 2020 WL 6318660, at *4, *7 (D. Kan. Oct. 28, 2020)
- Rosenbaum v. MacAllister, 64 F.3d 1439, 1445 (10th Cir. 1995)
- Gottlieb v. Barry, 43 F.3d 474, 482–83, 487–88 (10th Cir. 1994)
- Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 717–19 (5th Cir. 1974)
- Christeson v. Amazon.com Servs., Inc., No. 18-2043-KHV, 2019 WL 4054032, at *3 (D. Kan. Aug. 28, 2019)
- Vizcaino v. Microsoft Corp., 290 F.3d 1043, 1050 (9th Cir. 2002)
- Goldberger v. Integrated Res., Inc., 209 F.3d 43, 50 (2d Cir. 2000)
- Flitton v. Primary Residential Mortg., Inc., 614 F.3d 1173, 1176 (10th Cir. 2010)
- Case v. Unified Sch. Dist. No. 233, Johnson Cnty., Kan., 157 F.3d 1243, 1249–50 (10th Cir. 1998)
- Johnson v. City of Tulsa, Okla., 489 F.3d 1089, 1107 (10th Cir. 2007)
- Robinson v. City of Edmond, 160 F.3d 1275, 1281 (10th Cir. 1998)
- Voulgaris v. Array Biopharma, Inc., 60 F.4th 1259, 1267 (10th Cir. 2023)
- Fish v. Kobach, No. 16-2105-JAR, 2018 WL 3647132, at *6 (D. Kan. Aug. 1, 2018)
- Perdue v. Kenny A. ex rel. Winn, 559 U.S. 542, 552 (2010)
- Lippoldt v. Cole, 468 F.3d 1204, 1222 (10th Cir. 2006)
- Bruner v. Sprint/United Mgmt. Co., No. 07-2164-KHV, 2009 WL 2058762, at *7 (D. Kan. July 14, 2009)
- Barbosa v. Nat’l Beef Packing Co., LLC, No. 12-2311-KHV, 2015 WL 4920292, at *11 (D. Kan. Aug. 18, 2015)
- Swartz v. D-J Eng’g, Inc., No. 12-cv-1029-DDC, 2016 WL 633872, at *7 (D. Kan. Feb. 17, 2016)
- Gulfstream III Assocs., Inc. v. Gulfstream Aerospace Corp., 995 F.2d 414, 420 (3d Cir. 1993)
- Chieftain Royalty Co. v. XTO Energy Inc., No. 11-29-KEW, 2018 WL 2296588, at *10 (E.D. Okla. Mar. 27, 2018)

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