

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

Caleb Landis, Individually and on Behalf of Others Similarly
Situated v. DJGN Lexington, LLC, et al.

Civil Action No. 5:25-394-DCR · No. Civil Action No. 5:25-394-DCR · Decided May 15, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky preliminarily approves a proposed class and collective action settlement involving alleged violations of the Fair Labor Standards Act and state wage-and-hour laws. The court preliminarily certifies settlement classes, appoints the named plaintiffs and class counsel, approves proposed notice procedures, and schedules further proceedings for final approval. The settlement provides for a \$750,000 common fund for class payments, attorneys’ fees and costs, administration expenses, and service awards.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Danny C. Reeves
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	May 15, 2026
DOCKET	Civil Action No. 5:25-394-DCR
DISPOSITION	other
PROCEDURAL POSTURE	The named plaintiffs filed an unopposed motion for settlement-purpose certification of three Rule 23 classes, appointment of class representatives and class counsel, preliminary approval of a proposed class and collective action settlement, approval of the notice plan, and scheduling of a fairness hearing. The district court granted the motion.
STANDARD OF REVIEW	At the preliminary-approval stage, the court evaluates whether it will likely be able to certify the proposed settlement classes and likely be able to approve the settlement under Federal Rule of Civil Procedure 23(e). For FLSA notice, the plaintiffs must show a strong likelihood that potential opt-in plaintiffs are similarly situated.

PRECEDENTIAL VALUE

unpublished district court memorandum opinion and order;
preliminary settlement approval

TOPICS

class actions

flsa

wage and hour

civil procedure

attorney fees

PRACTICE AREAS

civil procedure

employment law

wage and hour

class actions

flsa

remedies

QUESTIONS PRESENTED

1. Whether the proposed Kentucky, Ohio, and Indiana classes were likely to satisfy Rule 23(a) and Rule 23(b)(3) for settlement purposes.
2. Whether the proposed settlement was likely to be found fair, reasonable, and adequate under Rule 23(e)(2).
3. Whether the proposed class representatives and class counsel were adequate for settlement purposes.
4. Whether the proposed notice plan satisfied Rule 23(e) and Rule 23(c)(2)(B).
5. Whether the plaintiffs showed a strong likelihood that potential FLSA opt-in plaintiffs were similarly situated so that court-facilitated notice was appropriate under 29 U.S.C. § 216(b).

HOLDINGS

1. The proposed Kentucky, Ohio, and Indiana settlement classes were likely to satisfy Rule 23(a)'s numerosity, commonality, typicality, adequacy, and ascertainability requirements.
2. The proposed classes were likely to satisfy Rule 23(b)(3)'s predominance and superiority requirements.
3. The proposed settlement was preliminarily approved because it was likely to be found fair, reasonable, and adequate under Rule 23(e)(2) and applicable Sixth Circuit settlement factors.
4. The proposed one-third common-fund attorney-fee award, estimated costs, and \$5,000 service awards for each named plaintiff were preliminarily approved as reasonable.
5. The proposed notice plan was approved because it provided practicable individual notice and the plaintiffs showed a strong likelihood that potential FLSA opt-in plaintiffs were similarly situated.

KEY QUOTATIONS

“Following full consideration, the motion will be granted under the terms outlined below.” (at 3)

“Preliminary certification of the classes for the purpose of settlement is appropriate in this case.” (at 15)

“The agreement is generally fair, reasonable, and adequate for the purposes of FLSA and Rule 23 settlements.” (at 23)

“The proposed notice plan appears to be the most practicable way to provide individual notice” (at 29)

FACTUAL BACKGROUND

The plaintiffs are current or former servers at Tony's restaurants in Lexington and Bowling Green, Kentucky; Cincinnati, Ohio; and Indianapolis, Indiana. They alleged that the defendants paid servers a subminimum tipped hourly rate and required them to share customer tips with service bartenders who worked in back-of-house roles and did not interact with customers. The parties exchanged payroll and timekeeping information, participated in mediation, and agreed to a \$750,000 common-fund settlement covering FLSA collective claims and state-law class claims.

PROCEDURAL HISTORY

Landis, Zimmerman, and Smith brought related FLSA and state wage-and-hour claims concerning tip-sharing practices at Tony's restaurants in Kentucky, Ohio, and Indiana. The related matters were consolidated through a First Amended Collective and Class Action Complaint after the parties mediated and negotiated a proposed \$750,000 settlement. The court preliminarily certified the settlement classes, preliminarily approved the settlement, approved the proposed notices and notice plan, and set a fairness hearing for October 13, 2026.

DISPOSITION

other

CASES CITED

- Zimmerman v. DJGN LLC, et al., No. 1:25-cv-00729-MWM (S.D. Ohio)
- Smith v. DJGN Indy, LLC, et al., No. 1:25-cv-02221-JRS-MJD (S.D. Ind.)
- Amchem Prods. Inc. v. Windsor, 521 U.S. 591, 613, 615, 625 (1997)
- Cole v. City of Memphis, 839 F.3d 530, 541 (6th Cir. 2016)
- Young v. Nationwide Mut. Ins. Co., 693 F.3d 532, 538, 543 (6th Cir. 2012)
- Daffin v. Ford Motor Co., 458 F.3d 549, 552 (6th Cir. 2006)
- In re American Medical Systems, Inc., 75 F.3d 1069, 1079-80, 1083-84 (6th Cir. 1996)
- Lott v. Louisville Metro Gov't, No. 3:19-CV-271-RGJ, 2021 WL 1031008, at *10 (W.D. Ky. Mar. 17, 2021)
- Garner Props. & Mgmt., LLC v. City of Inkster, 333 F.R.D. 614, 622, 626 (E.D. Mich. 2020)
- Swigart v. Fifth Third Bank, 288 F.R.D. 177, 183 (S.D. Ohio 2012)
- Taylor v. CSX Transp., Inc., 264 F.R.D. 281, 288 (N.D. Ohio 2007)
- Peck v. Air Evac EMS, Inc., 2019 WL 3219150, at *3 (E.D. Ky. July 17, 2019)
- Beattie v. CenturyTel, Inc., 511 F.3d 554, 561, 564 (6th Cir. 2007)
- In re Whirlpool Corp. Front-Loading Washer Prods. Liab. Litig., 722 F.3d 838, 852-53 (6th Cir. 2013)
- Thacker v. Chesapeake Appalachia, LLC, 259 F.R.D. 262, 268 (E.D. Ky. 2009)
- Shane Grp. Inc. v. Blue Cross Blue Shield of Mich., 833 F. App'x 430, 431 (6th Cir. 2021)
- Daoust v. Maru Rest., LLC, No. 17-cv-13879, 2019 WL 2866490, at *6 (E.D. Mich. July 3, 2019)
- Modern Holdings, LLC v. Corning, Inc., 2018 WL 1546355, at *11-12 (E.D. Ky. Mar. 29, 2018)
- Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 362 (2011)

- Powers v. Hamilton Cnty. Pub. Defender Comm'n, 501 F.3d 592, 619 (6th Cir. 2007)
- Moeller v. Week Pubs., Inc., 649 F. Supp. 3d 530, 540 (E.D. Mich. 2023)
- In re Papa John's Employee & Franchisee Emp. Antitrust Litig., 2023 WL 5997294, at *2 (W.D. Ky. Sept. 15, 2023)
- Ware v. CKF Enters., Inc., No. CV 5:19-183-DCR, 2020 WL 2441415, at *6, *11, *14, *17 (E.D. Ky. May 12, 2020)
- Carson v. American Brands, Inc., 450 U.S. 79, 88 n.14 (1981)
- Crawford v. Lexington-Fayette Urb. Cnty. Gov't, No. CIV. A. 06-299-JBC, 2008 WL 4724499, at *6 (E.D. Ky. Oct. 23, 2008)
- Redington v. Goodyear Tire & Rubber Co., No. 5:07CV1999, 2008 WL 3981461, at *18 (N.D. Ohio Aug. 22, 2008)
- Bert v. AK Steel Corp., 2008 WL 4693747, at *2 (S.D. Ohio Oct. 23, 2008)
- N.Y. State Teachers' Ret. Sys. v. Gen. Motors Co., 315 F.R.D. 226, 236 (E.D. Mich. 2016)
- Peck v. Air Evac EMS, Inc., No. CV 5:18-615-DCR, 2020 WL 354307, at *6 (E.D. Ky. Jan. 21, 2020)
- Fegley v. Higgins, 19 F.3d 1126, 1134 (6th Cir. 1994)
- Bowling v. Pfizer, Inc., 102 F.3d 777 (6th Cir. 1996)
- Osman v. Grube, No. 3:16-cv-00802-JJH, 2018 WL 2095172, at *3 (N.D. Ohio May 4, 2018)
- Thorn v. Bob Evans Farms, Inc., No. 2:12-cv-00768, 2016 WL 8140448, at *2-3 (S.D. Ohio Feb. 26, 2016)
- Hebert v. Chesapeake Operating, Inc., No. 2:17-cv-852, 2019 WL 4574509, at *4-8 (S.D. Ohio Sept. 20, 2019)
- Shane Group, Inc. v. Blue Cross Blue Shield of Michigan, 825 F.3d 299, 311 (6th Cir. 2016)
- In re Dry Max Pampers Litig., 724 F.3d 713, 722 (6th Cir. 2013)
- Hadix v. Johnson, 322 F.3d 895, 897-98 (6th Cir. 2003)
- Ross v. Jack Rabbit Servs., LLC, No. 3:14-cv-44-DJH, 2016 WL 7320890, at *5 (W.D. Ky. Dec. 15, 2016)
- In re Sketchers Toning Shoe Prods. Liab. Litig., No. 3:11-MD-2308-TBR, 2013 WL 2010702, at *5 (W.D. Ky. May 13, 2013)
- Enter. Energy Corp. v. Columbia Gas Transmission Corp., 137 F.R.D. 240, 250 (S.D. Ohio 1991)
- M.R. v. Lyon, No. 17-11184, 2018 WL 4179635, at *5 (E.D. Mich. Aug. 31, 2018)
- Johnson v. W2007 Grace Acquisition I, Inc., No. 13-2777, 2015 WL 12001269, at *14 (W.D. Tenn. Dec. 4, 2015)
- Pierce v. Wyndham Resorts, Inc., 922 F.3d 741, 745-46 (6th Cir. 2019)
- Levan v. Sears, Roebuck & Co., 984 F. Supp. 2d 855, 871 (E.D. Tenn. 2013)