IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

TAYLOR BATISTE, on Behalf of Herself
and on Behalf of All Others Similarly Situated,

Plaintiff,

V. Civil Action No. 4:20-cv-00655

TOPGOLF INTERNATIONAL, INC., and
TOPGOLF USA SPRING HOLDINGS, LLC,

Defendants.

UNOPPOSED MOTION TO FILE SETTLEMENT DOCUMENTS UNDER SEAL

Defendants TopGolf International, Inc. and TopGolf USA Spring Holdings, LLC ("Defendants") file this unopposed motion and request that the Court order Plaintiff Taylor Batiste, on behalf of herself and others similarly situated ("Plaintiff"), and Defendants' Joint Motion for Approval of Settlement, and the Confidential Release and Settlement Agreement and exhibits, be filed under seal.¹ In support of this Motion, Defendants would show the following:

- 1. On March 4, 2022, the parties filed a Joint Notice of Settlement. Doc. 68. The parties have finalized a confidential settlement agreement (the "Settlement Agreement").
- 2. The parties now intend to submit the Settlement Agreement to the Court for approval, because it involves the compromise of Fair Labor Standards Act ("FLSA") claims. To comply with the confidentiality provisions of the Settlement Agreement, which is a material term of the parties' settlement, the parties seek leave from the Court to file under seal (1) their Joint Motion for Approval of Settlement, and (2) the Settlement Agreement and exhibits.

¹ In accordance with Section 6(B)(2) of the Southern District of Texas Administrative Procedures for Electronic Filing in Civil and Criminal Cases, the parties' Settlement Agreement is being filed electronically as a sealed event. If the Court does not grant this Unopposed Motion to File Settlement Documents Under Seal, the Settlement Agreement should not be filed.

- 3. In upholding a district court's decision to seal a settlement agreement and a transcript of proceedings related to same, the Fifth Circuit noted that "the right to inspect and copy judicial records is not absolute," and "[e]very court has supervisory power over its own records and files." *Seals v. Herzing Inc.-New Orleans*, 482 Fed. App'x 893, 896 (5th Cir. 2012). As such, the Fifth Circuit "review[s] the district court's decision to seal [a] settlement agreement for abuse of discretion." *Id.* In determining that sealing was proper, the Fifth Circuit specifically noted "the parties agreement to maintain confidentiality, the express statement that confidentiality was a material inducement for [defendant] to settle, [and] the fact that 'public policy favors voluntary settlements." *Id.*
- 4. Courts frequently grant leave for parties to file settlement documents under seal in FLSA cases. *See e.g., McCaig v. Newfield Exploration Company,* Case No. 4:17-cv-02927 (S.D. Tex. Nov. 29, 2018) (Doc. # 29) (Miller, J.) (granting unopposed motion to seal FLSA settlement agreement); *Noyola v. Bella Brothers, Inc.*, Case No. 4:10-cv-03723 (S.D. Tex. March 17. 2011) (Doc. # 18) (Miller, J.) (same); *Diaz v. Panhandle Maim., LLC*, No. 2:18- CV-097-Z, 2020 WL 587644, at *1 (N.D. Tex. Feb. 6, 2020) (granting motion for approval of FLSA settlement, explaining that "the Settlement Agreement...has been filed under seal and will not be made part of the public record"); *Cormier v. Turnkey Cleaning Services LLC*, 2018 WL 5288824, at *1 (W.D. La. Oct. 22, 2018).
- 5. Maintaining the confidentiality of the Settlement Agreement's terms serves the privacy interest of all parties and promotes the amicable resolution of FLSA claims. Thus, good cause exists for filing the Settlement Agreement under seal.

For these reasons, Defendants respectfully requests that the Court order that the parties' Joint Motion for Approval of Settlement and the Settlement Agreement itself be filed, and remain, under seal. Defendants also respectfully request that the Court award them all other relief to which they are justly entitled, at law and in equity.

Respectfully submitted,

/s/ John B. Brown

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

/s/ John B. Brown
John B. Brown

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ORDER GRANTING UNOPPOSED MOTION TO FILE UNDER SEAL

The Court having considered Defendants TopGolf International, Inc. and TopGolf USA Spring Holdings, LLC's Unopposed Motion to File Settlement Documents Under Seal along with the other pleadings on file, is of the opinion that the motion is well taken and should be GRANTED.

IT IS THEREFORE ORDERED that the parties' Joint Motion for Approval of Settlement and the Settlement Agreement be filed, and remain, under seal.