

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

Jane Doe and John Does 1 and 2, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

-against-

MasterCorp, Inc.,

Defendant.

INDEX NO. 1:24-cv-678

**REPLY IN SUPPORT OF MEMORANDUM OF  
LAW IN SUPPORT OF MOTION FOR FINAL  
APPROVAL**

This Settlement<sup>1</sup> requires Defendant MasterCorp, Inc. (“MasterCorp”) to pay \$4,950,000 into a non-reversionary fund to resolve the claims<sup>2</sup> brought by a Class and Collective of approximately 205 Colombian nationals or people of Colombian origin who provided housekeeping services at hotels and resorts where MasterCorp, Inc. was responsible for housekeeping.

In the unopposed Motion for Final Approval, Plaintiffs demonstrated that the Settlement is fair, reasonable, and adequate under Rule 23 of the Federal Rules of Civil Procedure and the requirements of the Fair Labor Standards Act (“FLSA”), and that settlement certification is warranted. Plaintiffs also indicated that they would report on the Class’ reaction. Together with the Declaration of Gina Intrepido-Bowden (“JND Decl.”) filed herewith, this Reply updates the Court on the reaction of the Class and Collective to the Settlement. With no opt-outs, no objections, and a healthy claim participation rate, the Class and Collective’s reaction to this Settlement favors final approval.

**I. The Absence of Objections and Opt-Outs Supports Final Approval of the Settlement**

The reaction of the Class is the final factor courts consider when analyzing the adequacy of a Settlement. *See In re Jiffy Lube Sec. Litig.*, 927 F.2d 155, 158-59 (4th Cir. 1991). “The lack of objections and opt-out requests are important factors contributing to a conclusion that the settlement is fair and reasonable.” *Deem v. Ames True Temper, Inc.*, No. 6:10-cv-01339, 2013 WL 2285972, at \*2 (S.D.W.V. May 23, 2013) (internal citations omitted).

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<sup>1</sup> All capitalized terms have the same meaning as defined in § 1 of the Amended Settlement Agreement (“ASA”). Dkt. 13-1.

<sup>2</sup> Plaintiffs alleged claims under the Trafficking Victims Protection Reauthorization Act’s (TVPRA) prohibitions on forced labor and human trafficking, 18 U.S.C. § 1581 *et seq.*, Section 216(b) of the Fair Labor Standards Act, Section 1981 of the Civil Rights Act, and under various state laws.

Here, the successfully executed<sup>3</sup> notice plan informed recipients that any Settlement Class and Collective member who wants to object or exclude themselves from the proposed Settlement could do so by November 1, 2024. JND Decl. ¶ 11. In the end, no members of the Settlement Class and Collective objected or sought to be excluded from the Settlement. *Id.*

## **II. The Claims Rate Supports Final Approval of the Settlement**

As the Settlement Administrator set forth, “[a]s of November 6, 2024, JND has received 331 claims, of which 49 have been determined as valid based on a match back to the Class Data provided by Defendants and/or review of the documentation provided with the claims. In consultation with Class Counsel, JND will complete claim review and make preliminary determinations.” JND Decl. ¶ 13. Those claims represent approximately 23% of the Settlement Class and Collective. *Id.* Additionally, the Settlement Administrator will continue to review the claims already submitted, as well as the foreseeably incoming claims that were post-marked before the close of the November 1 deadline but that have not yet arrived. *Id.* ¶ 12.

Even assuming the final rate sits around 23% and does not become higher, this claims rate is already similar to— if not markedly higher than— the claims rate in other settlements that have been approved. *See, e.g., In re Facebook Biometric Info. Priv. Litig.*, 522 F.Supp.3d 617, 629 (N.D. Cal. 2021) (approving settlement with claims rate of 22%); *Robinson v. Carolina First Bank NA*, 2019 WL 2591153, at \*16 (D.S.C. June 21, 2019) (approving settlement with an approximately 29% claims rate); *Silvis v. Ambit Energy L.P.*, 326 F.R.D. 419, 427 (E.D. Penn. 2018) (approving settlement with 17% claims rate).

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<sup>3</sup> The Settlement Administrator’s website has had more than 19,000 unique views, and they have received well over 130 calls or emails. JND Decl. ¶ 6, 10.

**III. Conclusion**

In light of the positive reaction from the Class and Collective, Plaintiffs respectfully submit that final approval is warranted.

Dated: November 8, 2024

Respectfully submitted,

/s/

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*Interim Co-Lead Counsel for the Class and Collective*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2024, a true and correct copy of the foregoing was furnished by electronic filing with the Clerk of the Court via CM/ECF, which will send notice of electronic filing to all counsel of record.

/s/

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Mark Hanna