

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

MICHELLE LYON, <i>et al.</i> ,)	
on behalf of themselves and all others)	
similarly situated,)	
)	
Plaintiff,)	
v.)	No. 24-03207-CV-S-BP
)	
AMERICARE SYSTEMS, INC.,)	
doing business as)	
AMERICARE SENIOR LIVING,)	
)	
Defendant.)	

**ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL
OF CLASS AND COLLECTIVE ACTION SETTLEMENT**

Plaintiffs’ unopposed Motion, (Doc. 98), seeking (1) preliminary approval of a class and collective action settlement and (2) approval of notices to be sent to potential class members and opt-in plaintiffs is **GRANTED**. The Court finds and Orders as follows:

1. Unless otherwise defined herein, all terms used in this Order (the “Preliminary Approval Order”) will have the same meaning as defined in the Settlement Agreement (which can be found in the Record as Doc. 99-2).
2. The Court finds on a preliminary basis that the settlement memorialized in the Settlement Agreement falls within the range of reasonableness and, therefore, meets the requirements for preliminary approval.
3. The Court grants preliminary approval of the parties’ Settlement Agreement.
4. On December 12, 2025, the Court certified the following class under Fed. R. Civ.

P. 23(a) and (b)(3):

All persons who worked at a facility in Missouri managed by Americare Systems, Inc. and who (1) obtained their position through ShiftKey, LLC and (2) worked

more than 40 hours in a workweek from July 17, 2021, to the filing of the Complaint through December 12, 2025.

(*See* Doc. 86 (hereafter the “Class Certification Order”).) The Settlement Agreement is intended to resolve the claims brought on behalf of this certified class. The Court therefore finds that the Settlement Class continues to satisfy the requirements under Fed. R. Civ. P. 23(a) and (b)(3), consistent with the reasons previously outlined in the Class Certification Order.

5. The Proposed Settlement Notice set forth in the Settlement Agreement, as amended in subsequent communications between the parties and the Court, is hereby found to be the best practicable means of providing notice under the circumstances. The Notice is accurate, objective, and informative, and provides members of the Settlement Class (referred to in the Settlement Agreement and this Order as “Class Workers”) with all the information necessary to make an informed decision regarding their participation in the settlement and its fairness. Therefore, distribution of the Settlement Notice to Class Workers shall constitute sufficient notice of the proposed class settlement and the Final Approval Hearing to all persons and entities affected by and/or entitled to participate in the settlement, in full compliance with the notice requirements of Fed. R. Civ. P. 23, due process, the Constitution of the United States, the laws of the State of Missouri, and all other applicable laws.

6. The Court approves and appoints Analytics Consulting, LLC, as the Settlement Administrator.

7. The Notice Regarding Proposed Settlement of Class Action, as amended following communications between the parties and the Court, is approved. The Settlement Administrator is authorized to mail and email the document to the Class Workers as provided in the Settlement Agreement.

8. Class Workers who wish to opt out of the Settlement must submit a written request to opt out of the settlement no later than forty-five (45) days from the date the Settlement Administrator first mails and/or emails the Proposed Settlement Notice to Class Workers. However, if the Settlement Notice sent to a Class Worker is returned as undeliverable, but the Settlement Administrator locates an additional address for the Class Worker and thereafter sends the Proposed Settlement Notice to that additional address, then that Class Worker shall have a deadline of the earlier of thirty (30) days from the date the Proposed Settlement Notice was mailed to the additional address to opt out of the settlement or seventy-five (75) days from the date the Settlement Administrator first mailed the Proposed Settlement Notice to Class Workers.

9. Any written objection to the settlement must be submitted to the Settlement Administrator no later than forty-five (45) days after the Proposed Settlement Notice is mailed and/or emailed to the Class Employees.

10. Pending the Court's decision on final approval of the settlement and entry of the Court's Final Approval Order, the Litigation and any other action or proceeding brought by or on behalf of the Named Plaintiffs or any Class Member that asserts any claim released under the Settlement Agreement shall be stayed in each such action or proceeding.

11. Neither this Order, the Settlement Agreement, nor any other documents or information relating to the settlement of this Litigation shall constitute, be construed to be, or be admissible in this Litigation or any other proceeding as evidence: (a) of an adjudication of the merits of this Litigation; (b) of an adjudication of any of the matters subject to the Releases in the Settlement Agreement; (c) that any party has prevailed in this case, or (d) that Defendant or the Released Parties have engaged in any wrongdoing.

12. The parties (or one of them) shall, within thirty (30) days of this Order, file a Certification that notice of the settlement has been provided to appropriate State officials as required by 28 U.S.C. § 1715(a)(2).

13. The Named Plaintiffs, Defendant, and Settlement Administrator are ordered to carry out the settlement according to the terms of the Settlement Agreement.

14. The Court will conduct a Final Approval Hearing on October 6, 2026, at 10:00 a.m. to determine the overall fairness of the settlement and to approve the amount of attorneys' fees and expenses to Class Counsel and the Service Payments to the Named Plaintiffs and Opt-In Plaintiff Natasha Davis. The Final Approval Hearing may be continued without further notice to Class Members. The Named Plaintiffs shall file their motion for approval of the settlement, and Class Counsel shall file their unopposed motion for attorneys' fees, costs and expenses, and the Service Payments on or before September 8, 2026.

IT IS SO ORDERED.

DATE: June 24, 2026

/s/ Beth Phillips
BETH PHILLIPS, JUDGE
UNITED STATES DISTRICT COURT