United States Court of Appeals
For the Eighth Circuit

No. 21-2201

Clemel Penn

Plaintiff - Appellant

v.

Motion Industries, Inc.

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Central

Submitted: August 30, 2021
Filed: September 2, 2021
[Unpublished]

Before BENTON, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

In this action under the Fair Labor Standards Act (FLSA), Clemel Penn appeals after the district court granted his motion to approve the parties' settlement agreement and to dismiss the case, but reduced the settled attorney's fees and costs. For the following reasons, we vacate the portion of the district court's order reducing the

attorney's fees and costs, affirm in all other respects, and remand for further proceedings.

Although Penn argues on appeal that the district court lacked authority to review the settled attorney's fees and costs, we conclude that he invited any error because his motion invited judicial review by indicating the settlement agreement was "contingent upon court review and approval" of the terms of the agreement, and by explicitly addressing the reasonableness of the settled attorney's fees and costs. See Roth v. Homestake Mining Co. of Cal., 74 F.3d 843, 845 (8th Cir. 1996) (erroneous ruling generally does not constitute reversible error when it is invited by same party who seeks on appeal to have ruling overturned). We further conclude, however, that the record in this case is insufficient to enable a meaningful review of whether the district court abused its discretion by reducing the attorney's fees and costs to $500. See EEOC v. CRST Van Expedited, Inc., 944 F.3d 750, 755-56 (8th Cir. 2019) (standard of review); see also EEOC v. Hendrix Coll., 53 F.3d 209, 211-12 (8th Cir. 1995) (district court's failure to make findings and failure to state legal basis for attorney's fees award ordinarily necessitates remand).

Accordingly, we vacate the district court's reduction of the settled attorney's fees and costs, and remand for further proceedings consistent with this opinion. In all other respects, we affirm.
