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KAREN MARTINEZ AND THE CLASS

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

KAREN MARTINEZ, on behalf of herself
and all other similarly situated individuals,

Plaintiff,

v.

JOHN MUIR HEALTH, and DOES 1
through 50, inclusive,

Defendants.

Case No. 4:17-cv-05779-CW

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF'S UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
COLLECTIVE AND CLASS ACTION
SETTLEMENT**

DATE: June 18, 2019

TIME: 2:30 p.m.

DEPT: Courtroom 6, 2nd Floor

JUDGE: Hon. Claudia Wilken

COMPLAINT FILED: Oct. 6, 2017

FAC FILED: Dec. 1, 2017

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

The Joint Motion for Preliminary Approval of a Class Action Settlement came before this Court, the Claudia Wilken presiding, on June 18, 2019. Joshua D. Buck appeared on behalf of Plaintiff and the Class and Lisa Horgan appeared on behalf of Defendant. This Court, having considered the papers submitted in support of the application of the parties and hearing the argument of the parties, HEREBY ORDERS THE FOLLOWING:

**~~[PROPOSED]~~ ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
COLLECTIVE AND CLASS ACTION SETTLEMENT**

1 1. This Court grants preliminary approval of the Settlement and the Settlement Class
2 based upon the terms set forth in the Settlement Agreement and Release of Claims between Plaintiff
3 and Defendant (“Settlement Agreement”). With respect to the Class, the Settlement preliminarily
4 appears to be fair, adequate and reasonable.

5 2. The Settlement falls within the range of reasonableness, and it appears to be
6 presumptively valid, subject only to disposition of any objections that may be raised at the final
7 fairness hearing and final approval by this Court.

8 3. A final fairness hearing addressing whether the proposed Settlement, attorneys’ fees
9 and costs to Class Counsel, Class Representative Service Award, and Settlement Administration Fees
10 should be finally approved as fair, reasonable, and adequate as to the members of the Class is
11 scheduled in accordance with the Implementation Schedule set forth below.

12 4. This Court approves the form and content of the Notice of Pendency of Class Action
13 Settlement and Final Hearing Date (“Notice of Pendency of Class Action”), as modified, attached
14 herein. This Court approves the Notice distribution procedure, as set forth in the Settlement.

15 5. In accordance with the Implementation Schedule set forth below, this Court directs
16 the mailing of the Notice of Pendency of Class Action, by first class mail to the Class Members. This
17 Court finds the dates selected for the distribution of the Notice set forth in the Implementation
18 Schedule meet due process requirements and provide, under the circumstances the most practicable
19 notice.

20 6. It is ordered, that the Settlement Class shall remain conditionally certified under the
21 FLSA. It is further ordered, for settlement purposes only, that the Settlement Class is preliminarily
22 certified under Rule 23 of the Federal Rules of Civil Procedure.

23 7. This Court re-affirms Plaintiff Karen Martinez as Class Representative, and Thierman
24 Buck, LLP as Class Counsel.

25 8. This Court confirms Simpluris, Inc. as the Settlement Administrator.

26 9. To facilitate administration of the Settlement pending final approval, this Court
27 enjoins Plaintiff, and all Class Members, from filing or prosecuting any claims, suits, or
28 administrative proceedings regarding claims at issue in the Settlement unless, and until, such Class

Members have filed valid Requests for Exclusion with the Settlement Administrator (*i.e.*, they opt out).

10. For further proceedings, this Court orders the following **Implementation Schedule**:

a.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	July 9, 2019 [21 calendar days after Order granting Preliminary Approval]
b.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	August 2, 2019 [45 calendar days after Order granting Preliminary Approval]
c.	Deadline for Settlement Administrator to Mail the Notice to Class Members	August 16, 2019 [59 calendar days after Order granting Preliminary Approval]
d.	Deadline for Class Members to Postmark Requests for Exclusions	September 30, 2019 [45 calendar days after initial mailing of the Notice to Class Members]
e.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	September 30, 2019 [45 calendar days after initial mailing of the Notice to Class Members]
f.	Deadline for Settlement Administrator to Provide the Parties a Declaration of Due Diligence and Proof of Mailing	October 10, 2019 [10 calendar days after response deadline]
g.	Deadline to file Motion for Final Approval of Settlement	November 14, 2019 [45 calendar days after response deadline]
h.	Final Fairness Hearing and Final Approval	November 19, 2019 [At least 90 calendar days after Deadline for Settlement Administrator to Mail the Notice to Class Members] ¹

¹ In compliance with the requirements of 28 U.S.C. § 1715, Defendant has provided or is providing a CAFA Notice regarding the settlement to the appropriate State official of each state in which a class member resides and to the appropriate Federal official within ten days after the filing of the Motion for Preliminary Approval. However, because the class period runs through the date of preliminary approval, Defendant will be sending a supplemental CAFA Notice once the class list is completed after preliminary approval to provide the relevant officials with the complete information required by

i.	Deadline for Defendant to Fund Settlement Account maintained by Settlement Administrator	November 29, 2019 [10 calendar days after Effective Date]
j.	Deadline for Settlement Administrator to disburse the Total Settlement Amount to Settlement Class Members, Class Counsel, the LWDA, Plaintiff, and itself (if Settlement is Effective)	December 9, 2019 [10 calendar days after Defendant Funds Settlement Account]
k.	Deadline to file Post-Distribution Accounting	December 30, 2019 [21 days after Disbursement]
l.	Value of Uncashed Checks Transmitted by Settlement Administrator to <i>Cy Pres</i> Recipient	December 9, 2020 [365 calendar days after Disbursement]

IT IS SO ORDERED.

Dated: June 18, 2019



HON. CLAUDIA WILKEN

28 U.S.C. § 1715. Defendant will issue this supplemental CAFA Notice by the Deadline for Settlement Administrator to Mail the Notice to Class Members. To ensure compliance with 28 U.S.C. § 1715(d), requiring that an order giving final approval to a proposed settlement not be issued until 90 days after the appropriate officials receive the CAFA Notice, the final approval hearing will be set no earlier than 90 days after that date.