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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 ARTURO SALGADO, individually and on
10 behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 LAND O'LAKES, INC.; KOZY SHACK
14 ENTERPRISES, INC.; and DOES 1-25,
inclusive,

15 Defendants.

CASE NO. 1:13-CV-798-LJO-SMS

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
RECOMMENDING DENIAL OF THE
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

Docs. 58, 62

16 Plaintiff brings this putative class action against Defendants Land O'Lakes, Inc. and Kozy
17 Shack Enterprises, Inc. for alleged violations of California Labor Code §§ 201, 202, 226(a),
18 226.7(b), 227.3, 510, 512(a), 1194, and 1197, California Business & Professions Code § 17200,
19 and conversion. Plaintiff filed a motion for preliminary approval of class action settlement, which
20 Defendants did not oppose. The Court referred the matter to the Magistrate Judge pursuant to 28
21 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

22 On November 19, 2015, the Magistrate Judge filed findings and recommendations in
23 which she recommended that the Court deny the motion. The Magistrate Judge recommended
24 denial because the proposed class did not meet the commonality requirement for class certification,
25 and because the proposed settlement was unfair, unreasonable, and inadequate, when considering
26 the disproportionate distribution of more than fifty percent of the class settlement amount awarded
27 as attorney's fees, Defendants' lack of opposition to the attorney's fees award, and the fact that
28 any undistributed funds will remain with Defendants.

1 Plaintiff filed objections on December 21, 2015, arguing that the overall settlement is fair.
2 Plaintiff argued that the Court should consider the individual settlements entered into prior to the
3 negotiated proposed settlement as evidence of Plaintiff's "success."

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), having reviewed the entire
5 file *de novo*, the Court finds that the findings and recommendations are supported by the record
6 and proper analysis.

7 Accordingly, the Court hereby ORDERS that the findings and recommendations filed
8 November 19, 2015, be adopted in full. Plaintiff's motion for preliminary approval of class
9 settlement is DENIED.

10
11 IT IS SO ORDERED.

12 Dated: December 29, 2015

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE