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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
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7 JOSE GONZALEZ,

8 Plaintiff,

9 v.

10 HARRIS RANCH BEEF COMPANY, et al.,

11 Defendants.

Case No. 1:14-cv-00038-LJO-SAB

ORDER RE FINDINGS AND
RECOMMENDATIONS

ECF NO. 64, 68, 73

12
13 On August 19, 2015, the magistrate judge assigned to this action issued a Findings and
14 Recommendations recommending that Plaintiff's motion for final approval of class action
15 settlement and motion for attorneys' fees be denied. (ECF No. 73.) The Findings and
16 Recommendations contained notice that any objections were to be filed within fourteen (14)
17 days. Plaintiff Jose Gonzalez ("Plaintiff") filed objections on August 24, 2015. (ECF No. 74.)

18 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
19 a de novo review of this case.

20 Plaintiff's objections do not contest the analysis set forth in the Findings and
21 Recommendations. Instead, in the interest of expediting resolution of this matter, Plaintiff
22 requests that final settlement of the class action be approved under the terms deemed fair,
23 adequate, and reasonable by the magistrate judge. Specifically, in the Findings and
24 Recommendations, the magistrate judge noted that the attorneys' fees and the class
25 representative enhancement were too high. The parties requested that 30% of the gross
26 settlement be allocated to attorneys' fees for Plaintiffs' counsel and Plaintiff Jose Gonzalez be
27 paid an enhancement of \$5,000. The magistrate judge found that these amounts did not appear to
28 be warranted based upon the facts submitted by Plaintiffs and found that a 25% attorney fee

1 award and \$2,500 enhancement award would be more appropriate. The magistrate judge
2 recommended that the motion for final approval be denied without prejudice to the parties'
3 resubmitting a motion under those terms.

4 Instead of resubmitting a motion requesting final approval based with terms adjusted
5 according to the magistrate judge's recommendation, Plaintiffs' request that the Court approve
6 final settlement with the reduced attorneys' fees and enhancement award. Defendants have not
7 objected to Plaintiffs' proposal. The Court will approve Plaintiffs' proposal.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. The August 19, 2015 Findings and Recommendations are ADOPTED IN PART
10 AND REJECTED IN PART;
- 11 2. Plaintiffs' motion for attorney fees and motion for final approval are GRANTED
12 IN PART and DENIED IN PART;
- 13 3. Final approval of the class settlement in this action is APPROVED on the terms
14 submitted by the parties, except that Plaintiffs' are awarded no more than 25% of
15 the gross settlement amount in attorneys' fees (\$46,250) and Plaintiff Jose
16 Gonzalez is awarded an enhancement not to exceed \$2,500. The difference in the
17 amount originally requested for attorneys' fees and the enhancement award shall
18 be added to the cy pres distribution.

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20 IT IS SO ORDERED.

21 Dated: September 3, 2015

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