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3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5
6 RODERICK MURRAY, an individual, on
7 behalf of the State of California, as a private
8 attorney general, and on behalf of all others
similarly situated,

9 Plaintiff,

10 v.

11 SCELZI ENTERPRISES, INC., a California
Corporation; and DOES 1 to 50, inclusive,

12 Defendant.
13

No. 1:18-cv-01492-LJO-SKO

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

(Doc. No. 27)

14 Plaintiff brings this putative class action against Defendant Scelzi Enterprises, Inc. for
15 alleged violations of California Labor Code §§ 201, 202, 203, 226, 226.3, and 226.7, California
16 Business & Professions Code § 17200, and for penalties under the California Private Attorneys
17 General Act, Labor Code § 2698. Plaintiff filed a motion for preliminary approval of a class
18 action settlement, which Defendant did not oppose. The Court referred the matter to the Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

20 On November 15, 2019, the Magistrate Judge filed findings and recommendations in
21 which she recommended that the Court deny the motion without prejudice to Plaintiff renewing
22 the motion to address the issues and concerns identified therein. The Magistrate Judge
23 recommended denial because the proposed class did not meet the requirements for class
24 certification under Rule 23 of the Federal Rules of Civil Procedure, and because the proposed
25 settlement was unfair, unreasonable, and inadequate, when considering the overly-aggressive
26 discounting of Plaintiff's claims, the overbreadth of the class release, the allocation of thirty-three
27 percent of the class settlement amount as attorney's fees, the seemingly excessive incentive award
28 to Plaintiff, and other issues.

1 The findings and recommendation were served on the parties and contained notice that
2 objections thereto were to be filed within twenty-one days. No objections were filed.

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

6 Accordingly, the Court hereby ORDERS that the findings and recommendations filed
7 November 15, 2019, be adopted in full. Plaintiff's motion for preliminary approval of a class action
8 settlement is DENIED without prejudice.

9
10 IT IS SO ORDERED.

11 Dated: December 16, 2019

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