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Attorneys for Defendant
PANELLA TRUCKING, LLC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO

-GGH (TEMP) Vasquez et al v. Panella Trucking

DANIEL VASQUEZ and WAYNE
CUTHILL, on their own behalf and on
behalf of a class of similarly situated
persons pursuant to F.R.C.P. 23 and 23
U.S.C. § 216, and on behalf of the
General Public,

Plaintiffs,

vs.

PANELLA TRUCKING, L.L.C., a
California limited liability corporation,

Defendant.

Case No.: 2:09-CV-02849 JAM [KJM]

Doc. 41

~~PROPOSED~~ ^{W.} ORDER GRANTING JOINT
MOTION FOR CERTIFICATION OF
SETTLEMENT CLASS AND
PRELIMINARY APPROVAL OF
SETTLEMENT

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Hearing Date: June 1, 2011
Hearing Time: 9:30 a.m.

Complaint Filed: October 13, 2009
Trial Date: No date set

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2 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

3 Plaintiffs' joint motion for class certification and preliminary approval of the class action
4 settlement ~~came before~~ ^{was presented to} this Court, Hon. John A. Mendez presiding, on June 1, 2011. The Court,
5 having considered the papers submitted in support of the application of the parties, HEREBY
6 ORDERS THE FOLLOWING:

7 1. The Court grants preliminary approval of the Settlement and Settlement Class based
8 upon the terms set forth in the Joint Stipulation of Settlement ("Settlement Agreement"), attached to
9 the Notice of Motion and Motion as Exhibit "A". The Settlement appears to be fair, adequate and
10 reasonable to the Class.

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

14 3. A final fairness hearing on the question of whether the proposed Settlement,
15 attorneys' fees to Class Counsel, and the Class Representative's enhancement payment should be
16 finally approved as fair, reasonable and adequate as to the members of the Class is scheduled for
17 March 21, 2012 ^{pm} in the Courtroom of the Hon. John A. Mendez.

18 4. The Court approves, as to form and content, the Notice of Class Action Settlement
19 ("Notice") attached to the Notice of Motion and Motion as Exhibit "A" (1) and the Claim Form in
20 substantially the form attached thereto as Exhibit A (2). The Court approves the procedure for Class
21 Members to participate in, to opt out of, and to object to the Settlement as set forth in the Notice.

22 5. The Court directs the mailing of the Notice and the Claim Form by first-class mail to
23 the Class Members in accordance with the Implementation Schedule set forth below. Notices and
24 Claim Forms returned to the Class Counsel, who shall act as the Class Administrator, as non-
25 delivered during the seventy-five (75) calendar day period for the filing of claims shall be resent to
26 the forwarding address, if any, on the returned envelope. If the resent envelope is returned
27 unopened, Class Counsel shall attempt to ascertain the correct address through one reasonable
28 attempt to locate the Class Member. The Court finds the dates selected for the mailing and
distribution of the Notice and the Claim Form as set forth in the Implementation Schedule, meet the

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2 requirements of due process and provide the best notice practicable under the circumstances and
3 shall constitute due and sufficient notice to all persons entitled thereto.

4 6. It is ordered that the Settlement Class is preliminary certified for settlement purposes
5 only.

6 7. The Court confirms Gregory M. Garrison and Jason N. Black of Teeple Hall, LLP as
7 Class Counsel for purposes of settlement only.

8 8. The Court also confirms Teeple Hall, LLP as the Claims Administrator.

9 9. The Court orders the following Implementation Schedule for further proceedings:

<p>10 Deadline for Defendant to provide Class Counsel 11 with the following information for each Class 12 Member: (i) name, last-known address and 13 social security number, if available to Defendant; 14 and (ii) the settlement amount due to each 15 potential Class Member, as previously agreed by 16 the Parties.</p>	<p>Thirty (30) calendar days following the date of entry of the Court's Order Granting Preliminary Approval of this Joint Stipulation of Settlement.</p>
<p>17 Deadline for Claims Administrator to Mail the 18 Notice and Claim Form to Class Members</p>	<p>Fifteen (15) calendar days after Class Counsel receives the information set forth above.</p>
<p>19 Deadline for Class Members to Postmark Claim 20 Forms.</p>	<p>The "Claims Deadline" shall be seventy-five (75) calendar days after the initial mailing of the Claim Form.</p>
<p>22 Deadline for Class Members to Request 23 Exclusion from the Class (opt out) and serve 24 written objections to the Settlement.</p>	<p>Forty-five (45) Days after Notice of Proposed Class Action Settlement and Claim Form is mailed by the Claims Administrator.</p>
<p>25 Deadline for Class Counsel to file Motion for 26 Final Approval of Settlement, Motion for 27 Attorneys' Fees, Costs, and Enhancement 28 Award.</p>	<p>Two weeks prior to the date set by the Court for the final Fairness Hearing.</p>

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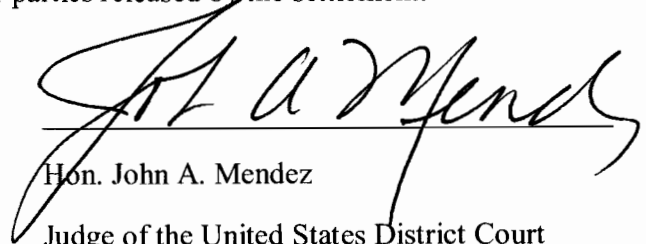
Final Fairness Hearing and Final Approval.

March 21, *2012* ^{*JAM*} *C 9 30 AM*

10. Pending final approval of the settlement, the Court hereby ENJOINS any Class Member, whether acting directly, in a representative capacity, or in any other capacity, and whether or not any such Class Member has appeared in the litigation, from asserting, instituting or prosecuting in any capacity in any Court or governmental agency any claims released in the settlement against Defendant or against any other parties released by the settlement.

IT IS SO ORDERED

Dated: *June 2,* ^{*JAM*} *2011* ~~*2012*~~



Hon. John A. Mendez
Judge of the United States District Court