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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 RAMSES GUTIERREZ, et al.,
11 individually and on behalf of all
12 others similarly situated,

Plaintiffs,

13 v.

14 CARTER BROTHERS SECURITY SERVICES,
15 LLC, a Florida limited liability company,
16 AT&T DIGITAL LIFE, INC.,
17 PACIFIC BELL TELEPHONE COMPANY DBA
18 AT&T DATACOMM, INC.,
19 AT&T CORP.
and DOES 1 through 10, inclusive,

Defendants.

CASE NO.: 2:14-CV-00351-MCE-CKD

**ORDER GRANTING PLAINTIFFS’
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT AND DIRECTION OF
NOTICE**

[29 U.S.C. § 216(b); Fed. R. Civ. P. § 23]

Hearing Date: Thu., Dec. 5, 2019
Hearing Time: 2:00 p.m.
Judge: Hon. Morrison C. England

20 On March 10, 2014, Plaintiffs RAMSES GUTIERREZ, JONATHAN JACOB, TOUSSAINT
21 CHIVARS, JOSHUA ESPIRITU, PATRICK WILLIAMS, SAM PREEG, RICARDO SAPASAP,
22 ARMANDO TORRES, KEONDRE MASTERS, GIANFRANCO UY, CHRISTOPHER ADDO;
23 ALAN OSORIO, KEITH POLEE, EARL GRAY and ZACHARY FINER, filed the instant class action
24 on behalf of themselves and other putative class members (collectively “Plaintiffs”) against Carter
25 Brothers Security Services, LLC (“Carter Brothers”), AT&T Digital Life, Inc. (“AT&T”), Pacific Bell
26 Telephone Company dba AT&T Datacomm, Inc. (“PacBell”), AT&T Corp., and Does 1 through 10
27 inclusive (“Doe Defendants”). See ECF No. 8. Plaintiffs are seeking damages, restitution, civil penalties,
28 and injunctive relief as a result of Defendants’ alleged violations of both state and federal labor laws.

1 Plaintiffs further allege conversion along with violations of California’s Unfair Competition Law. Id.

2 Presently before the court is a Motion for Preliminary Approval of the Class Settlement and
3 Direction of Notice brought by Plaintiffs, ECF No. 126, preliminarily approving for settlement purposes
4 a Settlement Class of thirty-five (35) workers who worked as Carter Brothers technicians installing
5 AT&T products in Northern California, during the four (4) years prior to the filing of this action (the
6 “Settlement Class Members”). AT&T does not oppose this motion.

7 In consideration for settlement of this action, AT&T agrees to pay the sum of eight hundred
8 twenty-three thousand, three hundred twenty-nine dollars (\$823,329.00) (“Settlement Fund”) for
9 payments to the settlement class members, penalties to the Labor and Workforce Development Agency
10 (“LWDA”), penalties under the Labor Code Private Attorneys General Act (“PAGA”), service awards
11 to the fourteen (14) named plaintiffs, class counsel’s attorney fees and costs, and administrative costs.

12 AT&T has also agreed to separately enter into individual settlements with thirty (30) workers
13 who worked as Carter Brothers technicians installing AT&T products: (a) in Southern California (the
14 “Southern California Individual Settling Parties”); and (b) outside of California in Colorado, Texas,
15 Illinois, and Michigan (the “Out-of-State Individual Settling Parties”). These settlements will not be
16 funded from the \$823,329.00 Settlement Fund but rather by funds in addition to the Settlement Fund to
17 be paid by AT&T. These settlements are subject to the terms and conditions set forth in the separate
18 agreements with the Southern California Individual Settling Parties and the Out-of-State Individual
19 Settling Parties. All Southern California Individual Settling Parties and Out-of-State Individual Settling
20 Parties, on the one hand, and AT&T, on the other hand have executed these individual settlement
21 agreements, which are conditioned upon the Court’s final approval of this settlement.


22 Defendant Carter Brothers is not participating in this settlement and filed for bankruptcy
23 protection in the United States Bankruptcy Court for the Northern District of Georgia on July 10, 2018.

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1 Plaintiffs' Motion for Preliminary Approval of the Class Settlement and Direction of Notice is
2 GRANTED. Phoenix Class Action Administration Solutions of Orange, California, is appointed as class
3 administrator. The parties are directed to give notice to putative class members. The draft notice of
4 settlement submitted to the Court as Exhibit D to the Declaration of Joseph W Rose, ECF No. 126-1, is
5 approved. The final approval hearing is scheduled for Thursday, April 30, 2020. At 2:00 p.m. in
6 Courtroom 7 of this Court.

7 IT IS SO ORDERED.

8 Dated: December 3, 2019

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE

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