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14 Attorneys for Defendants

15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA

17 MIGUEL ROJAS-CIFUENTES on
18 behalf of himself, on behalf of all other
similarly situation and in interest of
19 the general public, an individual,

20 Plaintiff,

21 v.

22 ACX PACIFIC NORTHWEST INC.,
PACIFIC LEASING, LLC, JOHN M.
23 GOMBOS, JOHN E. GOMBOS and
DOES 1-20

24 Defendant.
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Case No. 2:14-cv-00697-JAM-CKD

**STIPULATION AND ORDER
REGARDING BELAIRE NOTICE
TO PUTATIVE CLASS MEMBERS**

Complaint Filed: March 14, 2014

1 The Parties to the above-entitled action, through their respective
2 counsel of record, submit this Stipulation and Proposed Order requesting
3 approval of the attached *Belaire* notice giving putative class members the
4 option of objecting to disclosure of their contact information.

5 The Parties agree that, if approved, the notice will be mailed out to
6 each putative class member at their last known address. Putative class
7 members shall have 30 days to object to disclosure of their contact
8 information. In order for an objection to be valid, the enclosed objection form
9 must be completed with the putative class member's name, signature and
10 date, and the form must be postmarked by the deadline. If an objection is
11 ambiguous as to the putative class member's intent, the Court-approved
12 administrator shall provide a copy of the objection to counsel who shall meet
13 and confer to resolve the ambiguity.

14 The Parties jointly request that the Court approve of CAC Services
15 Group, LLC to perform the mailing, collect objection forms, and provide
16 Plaintiff's counsel with name and contact information of putative class
17 members who did not object, subject to the Stipulated Protective Order.
18 (Dkt. No. 37 at 10:22–11:7.) In addition, the administrator shall, upon
19 request of counsel, prepare a report under oath of the mailing process and
20 collection of objections.

21 Within 5 days of the Court's approval of the attached *Belaire* Notice
22 and the opt out procedure described herein, Defendants shall supply the
23 administrator with a complete list of all putative class members. Within 5
24 business days of receipt, the Administrator shall mail the notice to putative
25 class members.

26 The Parties request approval of the *Belaire* Notice attached hereto as
27 Exhibit 1, and the Spanish version attached hereto as Exhibit 2.

28 The Parties will split the cost of the *Belaire* Notice process evenly.

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Respectfully submitted,

DATED: September 9, 2016

MALLISON & MARTINEZ

By: /s/ Marco A. Palau
MARCO A. PALAU
Attorney for Plaintiff

DATED: September 9, 2016

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Kevin Sullivan
ANGEL GOMEZ
KEVIN SULLIVAN
Attorney for Defendants

1 ORDER

2
3 For good cause appearing, the Court hereby ORDERS the following:

4 1. The English and Spanish *Belaire* Notice attached as Exhibits 1
5 and 2 are hereby approved for dissemination to putative class members.

6 2. The Court appoints CAC Services Group, LLC as Notice
7 Administrator.

8 3. Within 5 days of this Order, Defendants shall provide the list of
9 putative class members to the Notice Administrator, subject to the
10 Stipulated Protective Order. (Dkt. No. 37.) The list shall include all
11 putative class members as defined in the complaint for the period
12 commencing four years prior to the filing of the original complaint to the
13 present.

14 4. Within 5 business days of receipt of the list of putative class
15 members, the Notice Administrator shall mail the *Belaire* Notice in English
16 and Spanish.

17 5. The Administrator shall collect Objections and report to Counsel
18 on the number of objections received.

19 6. Objections must be made by mail.

20 7. In order for an objection to be "Valid," the Objection Form
21 included with the *Belaire* Notice must be completed with the putative class
22 member's name, signature and date, and the form must be postmarked by
23 the deadline.

24 8. Putative class members shall have 30 days from the date of
25 mailing to submit an objection.

26 9. The Notice Administrator shall prepare a report under oath
27 confirming compliance with the mailing procedure and detailing the number
28 of objections received, and the Notice Administrator shall indicate whether

1 the objection is “Valid,” according to paragraph 7 above.

2 10. In the event an objection is ambiguous, the objection shall be
3 delivered to counsel for both sides and counsel must meet and confer and
4 attempt to resolve any ambiguity.

5 11. Within 5 business days of the deadline for putative class
6 members to object to the disclosure of their contact information, for those
7 putative class members who did not submit valid, timely objections, the
8 Notice Administrator shall designate as confidential and provide such
9 putative class members’ contact information to Plaintiff’s counsel, subject to
10 the Stipulated Protective Order. (Dkt. No. 37 at 10:22–11:7.)

11 IT IS SO ORDERED.

12 Dated: September 15, 2016



13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

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EXHIBIT 1

1 **TO ALL CURRENT AND FORMER NON-EXEMPT EMPLOYEES OF AL**
2 **DAHRA ACX, ACX PACIFIC NORTHWEST and PACIFIC LEASING**
3 **(Collectively “ACX”)**

4 **THIS NOTICE RELATES TO YOUR PRIVACY RIGHTS**

5 A proposed class action lawsuit has been filed by Miguel Rojas-Cifuentes, a former
6 employee of the ACX companies above. This is not a lawsuit against you, and you
7 are not being sued. **This notice is approved by the Court** and is designed to
8 give you an opportunity to object to the disclosure of your phone number and
9 address, which Rojas is seeking in connection with his class action lawsuit.

10 Mr. Rojas filed the lawsuit to recover wages and penalties on behalf of other
11 California employees whom he believes are similarly situated for alleged violations
12 of:

- 13 • minimum wage laws,
- 14 • overtime laws, and
- 15 • rest and meal break laws.

16 The lawsuit is entitled *Rojas-Cifuentes v. ACX Pacific Northwest Inc. et al.*, and is
17 pending in the United States District Court for the Eastern District of California,
18 Case No. 2:14-cv-00697-JAM-CKD.

19 ACX denies all the allegations in their entirety and maintains that it has complied
20 with all applicable laws.

21 As part of Rojas’ attorneys’ investigation, they have asked ACX to provide your last-
22 known address and telephone number(s) to contact you about your experience at
23 ACX and your potential claims. However, before any of your contact information is
24 provided, this notice is being mailed to you so that you can decide whether you want
25 to have your contact information provided to Rojas and his attorneys.

26 In deciding whether to object, you should know that Rojas and his attorneys have
27 agreed to use your contact information only for purposes of this lawsuit, and agreed
28 not to disclose your contact information to anyone outside of it.

OPTION ONE: If you wish for your address and telephone number to be disclosed
to Rojas and his attorneys, you do not need to do anything.

OPTION TWO: If you do not want your address and telephone number disclosed to
Rojas and his attorneys, you must sign the enclosed pre-paid and self-addressed
postcard and return it to the notice administrator at the address on the postcard.

If you do not sign and return the enclosed postcard, postmarked by [DATE], your
name, address and telephone number will be provided to Rojas and his attorneys.

**You will not be rewarded or penalized in any way by ACX based on your
decision to allow or not allow your contact information to be given to
Rojas’ attorneys.**

This notice is not a communication from the Court and is not an expression of any
opinion by the Court as to the merits of the claims or defenses by either side in this

lawsuit. Please do not contact the court or the clerk of the court.

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OBJECTION TO DISCLOSURE OF PRIVATE CONTACT INFORMATION

I DO NOT wish to have my personal contact information including my name, address and telephone number disclosed to Rojas' attorneys in this case.

Dated: _____
_____ Print Name
_____ Signature

FOR THIS CARD TO BE EFFECTIVE, YOU MUST COMPLETE AND MAIL IT NO LATER THAN [DATE]. IF YOU DO NOT RETURN THIS CARD BY [DATE], YOUR NAME, HOME ADDRESS, HOME TELEPHONE NUMBER, AND PERSONAL E-MAIL ADDRESS WILL BE DISCLOSED TO THE ATTORNEYS FOR ROJAS WHO ARE SUING ACX.

**DO NOT COMPLETE THIS FORM IF
YOU DO NOT OBJECT TO THE DISCLOSURE OF YOUR
CONTACT INFORMATION**

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EXHIBIT 2

1 **A TODOS LOS EMPLEADOS Y EX-EMPLEADOS NO EXENTOS DE**
2 **AL DAHRA ACX, ACX PACIFIC NORTHWEST Y PACIFIC LEASING**
3 **(Colectivamente “ACX”)**

4 **ESTE AVISO SE RELACIONA CON SUS DERECHOS DE PRIVACIDAD**

5 Una demanda colectiva [propuesta](#) ha sido [presentada](#) por Miguel Rojas-Cifuentes,
6 un ex empleado de las empresas de ACX. **Esto no es una demanda en contra de**
7 **usted, y usted no está siendo demandado.** Este aviso ha sido aprobado por
8 la Corte y está diseñado para darle a usted la oportunidad de oponerse a la
9 divulgación de su número de teléfono y dirección, en relación con la demanda de
10 acción de clase.

11 El Sr. Rojas presentó la demanda a favor de empleados en California que están en
12 situación similar para recuperar salarios y sanciones por presuntas violaciones de:

- 13 • leyes de salario mínimo,
- 14 • leyes de sobretiempo (overtime) y
- 15 • leyes de descanso y de almuerzo.

16 La demanda se titula *Rojas-Cifuentes v. ACX Pacific Northwest Inc. et al.*, y está
17 pendiente en la Corte Federal de Los Estados Unidos para el Distrito del Este de
18 California, Numero de caso 2:14-cv-00697-JAM-CKD.

19 ACX niega todas las acusaciones en su totalidad y sostiene que ha cumplido con
20 todas las leyes aplicables.

21 Como parte de la investigación, los abogados de Rojas le han pedido a ACX que
22 proporcione su información incluyendo su dirección y su número(s) de teléfono para
23 que ellos se puedan comunicarse con usted acerca de su experiencia en ACX y
24 posibles reclamos que usted pueda tener.

25 Sin embargo, antes de que se les proporcioné su información de contacto, esta
26 notificación ha sido enviada por correo para que usted pueda decidir si desea [que](#)
27 su información de contacto divulgada a los abogados de Rojas.

28 Al decidir si se opone, usted debe saber que Rojas y sus abogados han acordado a
utilizar su información de contacto sólo para propósito de la demanda presentada y
acuerdan a no revelar su información de contacto a cualquier persona fuera de ella.

OPCION UNA: Si usted desea que su dirección y número de teléfono sea divulgada
a los abogados de Rojas no es necesario hacer algo.

OPTION DOS: Si no desea que su dirección y número de teléfono sea compartida
con los abogados de Rojas, debe firmar el postal pre-pagado y enviarlo al
administrador a la dirección incluida en la tarjeta postal.

Si no firma y devuelve la tarjeta adjunta, matasellada antes de [FECHA], su
nombre, dirección y número de teléfono será proporcionada a los abogados de Rojas.

**No será recompensado o castigado de ninguna manera por ACX por su
decisión de permitir o no permitir que su información de contacto sea
divulgada los abogados de Rojas.**

Este aviso no es un comunicado por parte de la Corte y no es una expresión de
ninguna opinión por parte del Tribunal en cuanto a los méritos de los reclamos o

1 defensas por ambos lados en esta demanda. Favor de no comunicarse con el tribunal
o algún funcionario de la corte.

2 * * *

3 **OBJECCIÓN A LA DIVULGACIÓN DE INFORMACIÓN PRIVADA DE**
4 **CONTACTO**

5 **No deseo** que mi información de contacto personal, incluyendo mi nombre,
6 dirección y número de teléfono sea proporcionado a los abogados de Rojas en este
7 caso.

8 Fecha: _____

9 _____
Nombre

10 _____
Firma

11 PARA QUE ESTA POSTAL TENGA EFECTO, DEBE COMPLETAR Y ENVIARLA
12 POR CORREO A MÁS TARDAR DE [FECHA]. SI NO LA REGRESA ANTES DE
13 [FECHA], SU NOMBRE, DIRECCIÓN, NUMERO DE TELÉFONO, Y DIRECCIÓN
14 DE CORREO ELECTRÓNICO SERÁN COMPARTIDOS CON LOS ABOGADOS
15 DE ROJAS, QUE ESTÁN DEMANDANDO A ACX.

16 **NO COMPLETE ESTE FORMULARIO SI**
17 **USTED NO SE OPONE A LA DIVULGACIÓN DE SU**
18 **INFORMACIÓN DE CONTACTO**