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8 *Attorney for Plaintiffs Darren Shane Panter, Joseph Todd Terras, Bobby Tyler*
9 *on behalf of themselves and all others similarly situated*

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 DARREN SHANE PANTER, JOSEPH
13 TODD TERRAS, and BOBBY TYLER, as
14 individual California residents, on behalf of
15 themselves and all others similarly situated,

16 Plaintiffs

17 vs.

18 TRINITY RIVER LUMBER COMPANY, a
19 California corporation;

20 Defendant.

Case No.: 2:14-cv-02277-MCE-CMK
ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

Date of Hearing: February 23, 2017
Time of Hearing: 2:00 p.m.
Courtroom 7, 14th Floor
Hon. Morrison C. England

Complaint Filed: September 30, 2014

First Amended Complaint Filed:
February 11, 2015

Second Amended Complaint Filed:
May 28, 2015

1 Plaintiff's Motion for Preliminary Approval of Class Action Settlement came on
2 for hearing before the Honorable Morrison C. England, on February 23, 2017, at 2:00
3 p.m. Defendant Trinity River Lumber Company filed a Statement of Non-Opposition to
4 Plaintiff's Motion of February 1, 2017. The Motion was thereafter submitted on the
5 briefing in accordance with the provisions of Eastern District Local Rule 230(g). The
6 Court, having considered the evidence presented and the papers submitted by counsel, ,
7 grants Plaintiffs' Motion and HEREBY ORDERS THE FOLLOWING:

8 1. The Court grants preliminary approval of the settlement based upon the
9 terms set forth in the "Stipulation of Class Action Settlement." Capitalized terms in this
10 Order shall have the definitions set forth in the Stipulation of Settlement.

11 2. The Court hereby preliminarily certifies a Settlement Class as defined in
12 the Stipulation of Settlement pursuant to the terms and conditions of the Stipulation of
13 Settlement and solely for the purposes set forth therein.

14 3. The Court hereby preliminarily determines that the Settlement set forth in
15 the Stipulation of Settlement falls within the range of reasonableness and appears to be
16 presumptively valid, subject only to any objections that may be raised at the final
17 approval hearing. It appears to the Court that substantial investigation and research have
18 been conducted such that counsel for the Parties at this time are reasonably able to
19 evaluate their respective positions. It further appears to the Court that settlement will
20 avoid substantial additional costs by all Parties, as well as the delay and risk that would
21 be presented by further prosecution of the Action. It further appears to the Court that the
22 proposed settlement that has been reached is the result of intensive, serious, non-
23 collusive, arm's-length negotiations.

24 4. The Court approves, as to form and content, the Claim Form and the Notice
25 of Proposed Class Action Settlement ("Class Notice") in substantially the form attached
26 to the Stipulation of Settlement as Exhibits A and B. The Court finds that the Class
27 Notice fairly and adequately apprises Settlement Class Members of their rights under the
28 Settlement.

1 5. The Court approves the mailing of the Class Notice by first class mail to the
2 Settlement Class in accordance with the schedule and procedures set forth in the
3 Stipulation of Settlement. The Court finds that the dates and method selected for the
4 mailing and distribution of the Class Notice, as set forth in the Stipulation of Settlement,
5 meet the requirements of due process and provide the best notice practicable under the
6 circumstances, and shall constitute due and sufficient notice to all persons entitled
7 thereto.

8 6. The Claims Administrator shall be Phoenix Settlement Administrators.

9 7. The Court finds that Jose R. Garay of Jose Garay, APLC adequately
10 represented the Settlement Class and is appointed as Class Counsel.


11 8. For settlement purposes only, the Court finds that Plaintiffs Darren Shane
12 Panter, Joseph Todd Terras, and Bobby Tyler ("Plaintiffs") are adequate representatives
13 of the Settlement Class and appoints them as such.

14 9. Pending final determination as to whether the Settlement set forth in the
15 Joint Stipulation of Settlement should be approved, the Plaintiffs and Settlement Class
16 Members, whether directly, representatively, or in any other capacity, whether or not
17 such persons have appeared in this action, shall not institute or prosecute any claims or
18 actions against the Released Parties (as defined in the Stipulation of Settlement) which in
19 any manner concern the Released Claims (as defined in the Joint Stipulation of
20 Settlement).

21 10. The Final Approval hearing shall be scheduled for May 18, 2017 at 2:00
22 p.m.

23 IT IS SO ORDERED.

24 Dated: February 16, 2017

25
26 
27 MORRISON C. ENGLAND, JR.
28 UNITED STATES DISTRICT JUDGE