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**FILED**

JUN 18 2019

CLERK, U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 BY  DEPUTY CLERK

7 Attorneys for Plaintiffs

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **EASTERN DISTRICT OF CALIFORNIA**  
 11 **SACRAMENTO DIVISION**

12 EDGAR MORALES, SALVADOR MAGANA,  
 13 and MATTHEW BAGU, on behalf of themselves,  
 the State of California, and all others similarly  
 14 situated,

Plaintiffs,

vs.

17 LEGGETT & PLATT, INC., a Missouri  
 Corporation, L&P FINANCIAL SERVICES CO.,  
 18 a Delaware Corporation, and Does 1 through 20,  
 inclusive,

Defendants.

Case No. 2:15-cv-01911-JAM-EFB

*JAM*  
**[PROPOSED] ORDER:**

- (1) PRELIMINARILY APPROVING PROPOSED SETTLEMENT;
- (2) CONDITIONALLY CERTIFYING SETTLEMENT CLASS;
- (3) APPOINTING CLASS REPRESENTATIVE, CLASS COUNSEL, AND SETTLEMENT ADMINISTRATOR
- (4) APPROVING CLASS NOTICE PACKET, AND
- (5) SETTING HEARING FOR FINAL APPROVAL OF SETTLEMENT

Date: June 18, 2019  
 Time: 1:30 p.m.  
 Location: 501 I Street  
 Courtroom 6, 14th Floor  
 Sacramento, CA 95814

25 On June 18, 2019, a hearing was held on Plaintiffs' Motion for Preliminary Approval of  
 26 Class Settlement; Conditional Certification of Settlement Class; Approval of the Class Notice  
 27 Packet; Appointment of Plaintiffs as Class Representatives and Approval of Plaintiffs' Payments;  
 28 Appointment of Class Counsel and Appointment of Settlement Administrator; and Setting of the

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1 Final Approval Hearing.

2 The Court, having read and considered the papers of the Motion, the arguments of Counsel,  
3 and good cause appearing ORDERS AS FOLLOWS:

- 4 1. The proposed class is conditionally certified pursuant to Rule 23(c)(1) as plaintiffs, for  
5 purposes of settlement only, and satisfies the requirements of Rule 23(a), as well as the  
6 requirements for certification under one of the subsections of Rule 23(b), including that:
- 7 a. The class is so numerous that joinder of all members is impracticable;
  - 8 b. There are questions of law and fact common to the class;
  - 9 c. The claims or defenses of the representative parties are typical of the claims or  
10 defenses of the class; and
  - 11 d. The representative parties will fairly and adequately protect the interests of the  
12 class.
- 13 2. The Parties' Settlement Agreement (the "Settlement" or the "Agreement" is granted  
14 preliminary approval as it meets the criteria for preliminary settlement approval. The  
15 Settlement falls within the range of possible approval as fair, adequate and reasonable,  
16 and appears to be the product of arm's length and informed negotiations and to treat all  
17 Class Members fairly.
- 18 3. The Parties' proposed notice plan is constitutionally sound because individual notices  
19 will be mailed to all Class Members whose identities are known to the parties, and such  
20 notice is the best notice practicable. The Parties' proposed Notice of Proposed  
21 Settlement, Conditional Certification of Settlement Class, Preliminary Approval of  
22 Settlement, and Hearing Date for Final Approval (the "Class Notice") (Ex. 2 to Mallison  
23 Decl.), and proposed forms of Notice of Estimated Individual Settlement Payment and  
24 Election Not to Participate in Settlement (*id.*) are sufficient to inform Class Members of  
25 the terms of the Settlement, their rights under the Settlement, their rights to object to or  
26 comment on the Settlement, their right to receive a Settlement Share or elect not to  
27 participate in the Settlement, and the processes for doing so, and the date and location  
28 of the Final Approval Hearing, and are therefore approved.

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4. The following persons are certified as Class Members solely for the purpose of entering a settlement in this matter:

- a. All non-exempt hourly employees who have worked at Defendants' Ontario, California branch from April 28, 2011 to March 11, 2017 and Tracy, California branch between April 28, 2011 and May 14, 2017 and had a shift of more than eight hours on a seventh consecutive workday in a workweek.
- b. All non-exempt hourly employees who have worked at Defendants' Tracy, California branch between April 28, 2011 and May 14, 2017, and all factory non-exempt hourly employees who have worked at Defendants' Ontario, California branch between April 28, 2011 and March 11, 2017 who had 30 minutes of pay automatically deducted for meal periods without a corresponding time entry showing that an unpaid meal period was recorded.
- c. All non-exempt hourly employees who worked at Defendants' Tracy, California branch between April 28, 2011 and November 14, 2014 and whose time was recorded using the Amano timekeeping system and experienced time shaving as a result of the Revision Zone programming in the Amano timekeeping system.
- d. All non-exempt employees who worked at Defendants' Ontario, California branch between April 28, 2011 and March 11, 2017 and Tracy, California branches between April 28, 2011 and May 14, 2017 and had deductions on their wage statements (appearing in payroll as code 870) for maintenance of their work uniform.

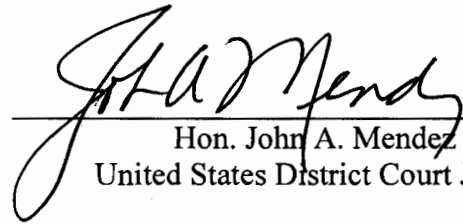
5. Class Members will receive a Settlement Share <sup>same</sup> ~~if, not later than sixty (60) days after the~~ <sup>unless</sup> ~~mailing of the Class Notice Document, they timely submit a completed Claim Form and~~ <sup>unless</sup> ~~unless~~ they submit a valid and timely Election Not to Participate in Settlement.

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6. Any Class Member who elects not to participate in the Settlement has until sixty (60) days after the mailing of the Class Notice to submit his or her Election Not to Participate in Settlement pursuant to the procedures set forth in the Class Notice.
  7. Any Class Member who wishes to object to the Settlement has until sixty (60) days after the mailing of the Class Notice to mail to the Clerk of Court and counsel for the Parties his or her written objection (and, if he or she wishes to appear at the final approval hearing, to indicate in his or her written objection an intention to appear), pursuant to the procedures set forth in the Class Notice.
  8. Simpluris is appointed to act as the Settlement Administrator, pursuant to the terms set forth in the Agreement.
  9. Plaintiffs Edgar Morales, Salvador Magana, and Matthew Bagu are appointed Class Representatives. Mallison & Martinez are appointed Class Counsel.
  10. The Class Notice will be disseminated according to the notice plan described in the Agreement and substantially in the form submitted by the Parties. Proof of distribution of the Class Notice will be filed by the parties in conjunction with the motion for an order granting final approval of the Settlement.
  11. A final approval hearing will be held on October 22 2019, at 1:30pm to determine whether the Settlement should be granted final approval as fair, reasonable, and adequate as to the Class Members. The Court will hear all evidence and argument necessary to evaluate the Settlement, and will consider Plaintiffs' and Class Counsel's request, made by separate motion, for the Class Representative Payments and the Class Counsel Fees and Expenses Payment. Class Members and their counsel may support or oppose the Settlement and the motion for awards of the Class Representative Payments, Class Counsel Fees and Litigation Expenses Payment, if they so desire, as set forth in the Class Notice.
  12. The Court reserves the right to continue the date of the final approval hearing without further notice to Class Members. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement.

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IT IS SO ORDERED.

Dated: June 18, 2019

  
Hon. John A. Mendez  
United States District Court Judge