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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 MARIA LUISA MEJIA et al.,

12 Plaintiffs,

13 v.

14 SODEXO, INC., et al.,

15 Defendants.  
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No. 16-cv-02120-LEK

**CLASS ACTION**

**ORDER:**

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

Date: March 5, 2018  
Time: 12:30 a.m. PST  
Judge: Hon. Leslie E. Kobayashi

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ORDER GRANTING PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT  
U.S.D.C., E.D. Cal., No. No. 16-cv-02120-LEK

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16 Sodexo, Inc., and SDH Services West, LLC  
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1 On March 5, 2018, a hearing was held on the joint motion of plaintiffs Maria Benavides, Elvira  
2 Mungia Lopez, Maria Luisa Mejia, and Martin Monter and defendants Sodexo, Inc., and SDH Services  
3 West, LLC (collectively in the singular, “Sodexo”), for conditional certification of a settlement class in  
4 this action, preliminary approval of the parties’ proposed settlement; approval of the Class Notice  
5 Packet, appointing Class Representatives, Class Counsel and the proposed Settlement Administrator,  
6 and the setting of a date for the hearing on final approval of the settlement. Stan S. Mallison and Joseph  
7 D. Sutton of Mallison & Martinez appeared for plaintiffs; and Jeffrey D. Wohl and Jullie Z. Lal of Paul  
8 Hastings LLP appeared for Sodexo.

9 The Court having read and considered the papers on the motion, the arguments of counsel, and  
10 the law; and good cause appearing therefore,

11 IT IS ORDERED:

12 1. The proposed class is conditionally certified pursuant to Rule 23(c)(1) as plaintiffs, for  
13 purposes of settlement only, satisfy the requirements of Rule 23(a) as well as the requirements for  
14 certification under one of the subsections of Rule 23(b), including that:

- 15 a) The class is so numerous that joinder of all members is impracticable;
- 16 b) There are questions of law and fact common to the class;
- 17 c) The claims or defenses of the representative parties are typical of the claims or  
18 defenses of the class; and
- 19 d) The representative parties will fairly and adequately protect the interests of the  
20 class.

21 2. The parties’ Settlement Agreement (the “Settlement” or the “Agreement”) is granted  
22 preliminary approval as it meets the criteria for preliminary settlement approval. The Settlement falls  
23 within the range of possible approval as fair, adequate and reasonable, and appears to be the product of  
24 arm’s length and informed negotiations and to treat all Class Members fairly.

25 3. The parties’ proposed notice plan is constitutionally sound because individual notices  
26 will be mailed to all Class Members whose identities are known to the parties, and such notice is the best  
27 notice practicable. The parties’ proposed Notice of Proposed Settlement, Conditional Certification of  
28 Settlement Class, Preliminary Approval of Settlement, and Hearing Date for Final Court Approval (the

1 “Class Notice”) (Settlement, Exh. B), and proposed forms of Claim Form and Election Not to Participate  
2 in Settlement (*id.*, Exhs. C, D) are sufficient to inform Class Members of the terms of the Settlement,  
3 their rights under the Settlement, their rights to object to or comment on the settlement, their right to  
4 receive a Settlement Share or elect not to participate in the Settlement, and the processes for doing so,  
5 and the date and location of the final approval hearing and are therefore approved.

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

8 All non-exempt employees employed by a Sodexo Employer in the State of California at  
9 the Metro Park Laundry facility in Stockton, California, in the plant operations and  
10 engineering departments, from September 6, 2012, through the date on which Metro Park  
Laundry ceased operations. The Class does not include any individuals who already have  
resolved the claims asserted in the Action, whether by settlement or adjudication.

11 5. Class Members will receive a Settlement Share if, not later than 45 days after the mailing  
12 of the Class Notice, they submit a completed and timely Claim Form and unless they submit a valid and  
13 timely Election Not to Participate in Settlement.

14 6. Any Class Member who elects not to participate in the Settlement has until 45 days after  
15 the mailing of the Class Notice to submit his or her Election Not to Participate in Settlement pursuant to  
16 the procedures set forth in the Class Notice.

17 7. Any Class Member who wishes to object to the Settlement has until 45 days after the  
18 mailing of the Class Notice to mail to the Clerk of Court and counsel for the parties his or her written  
19 objection (and, if he or she wishes to appear at the final approval hearing, to indicate in his or her written  
20 objection an intention to appear), pursuant to the procedures set forth in the Class Notice.

21 8. Any Class Member who wishes to object to the requests for the Class Representative  
22 Payment or the Class Counsel Fees and Expenses Payment has until 14 days before the Final Approval  
23 Hearing to file with the Clerk of Court and serve on counsel for the parties his or her written objection  
24 (and, if he or she wishes to appear at the final approval hearing, to indicate in his or her written objection  
25 an intention to appear), pursuant to the procedures set forth in the Class Notice.

26 9. Simpluris is appointed to act as the Settlement Administrator, pursuant to the terms set  
27 forth in the Agreement.

28 10. Plaintiffs Maria Benavides, Elvira Mungia Lopez, Maria Luisa Mejia, and Martin Monter

1 are appointed the Class Representatives. Stan S. Mallison, Hector R. Martinez and Eric S. Trabucco of  
2 Mallison & Martinez are appointed Class Counsel.

3 11. The Class Notice will be disseminated according to the notice plan described in the  
4 Settlement Agreement and substantially in the form submitted by the parties. Proof of distribution of the  
5 Class Notice will be filed by the parties in conjunction with the motion for an order granting final  
6 approval of the Settlement.

7 12. Sodexo is directed to provide to the Settlement Administrator not later than 10 days after  
8 the date of this order the Class Members' Data as specified by the Settlement Agreement.

9 13. The Settlement Administrator is directed to mail the approved Class Notice, Claim Form,  
10 and Election Not to Participate in Settlement (the "Notice Packet"), translated in English, Spanish,  
11 Tagalog, and Punjabi, by first-class mail to the Class Members not later than 7 days after receipt of the  
12 Class Members' Data.

13 14. A final approval hearing will be held on July 9, 2018, at 9:45 a.m. (Hawaii time), to  
14 determine whether the Settlement should be granted final approval as fair, reasonable, and adequate as  
15 to the Class Members. The Court will hear all evidence and argument necessary to evaluate the  
16 Settlement, and will consider plaintiffs and Class Counsel's request, made by separate motion, for the  
17 Class Representative Payments and the Class Counsel Fees and Expenses Payment. Class Members and  
18 their counsel may support or oppose the Settlement and the motion for awards of the Class  
19 Representative Payments and the Class Counsel Fees and Expenses Payment, if they so desire, as set  
20 forth in the Class Notice.

21 15. The Court reserves the right to continue the date of the final approval hearing without  
22 further notice to Class Members. The Court retains jurisdiction to consider all further applications  
23 arising out of or in connection with the Settlement.

24 IT IS SO ORDERED.

25 Dated: March 7, 2018.



26 /s/ Leslie E. Kobayashi  
27 Leslie E. Kobayashi  
28 United States District Judge