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

FRED WALTER, on behalf of himself and on behalf of all other similarly situated individuals,)
)
)
Plaintiff,)
)
v.)
)
)
LEPRINO FOODS COMPANY, a Colorado)
Corporation; LEPRINO FOODS DAIRY)
PRODUCTS COMPANY, a Colorado)
Corporation; and DOES 1-50, inclusive,)
)
Defendants.)

Case No. 2:20-cv-00700-JLT-BAM
CLASS ACTION
**[PROPOSED] ORDER ON AMENDED
JOINT CLASS NOTICE AND
DISTRIBUTION PLAN**

1 **~~PROPOSED~~ ORDER**

2 The Court has considered and reviewed the Parties’ Amended Joint Class Notice and Distribution
3 Plan and accompanying Class Notice and Exclusion Form. Having considered the papers and good cause
4 appearing, the Court hereby rules and finds as follows:

- 5 1. Within seven (7) business days of the Court’s approval of the Class Notice or of the date the
6 Court sets a trial date in this matter, whichever is later:
- 7 a. Plaintiffs shall email to Phoenix the Class Notice in Microsoft Word format; and
 - 8 b. Defendants shall send electronically to Phoenix Class Action Administrator Solutions
9 (“Phoenix”) a Microsoft Excel spreadsheet containing the first and last name, mailing
10 address, and telephone number of all individuals who worked as a non-exempt, hourly
11 employee of Leprino at its Tracy, California facility at any time between February 28,
12 2016 and August 29, 2022 (“Class List”).
- 13 2. Within five (5) calendar days thereafter:
- 14 a. Phoenix shall run the Class List through the National Change of Address database through
15 the United States Postal Service for any address updates.
- 16 3. Within five (5) calendar days thereafter:
- 17 a. Phoenix shall mail the Class Notice to all individuals listed on the Class List.
- 18 4. Phoenix shall promptly re-mail any Class Notices that are returned as undeliverable to any
19 forwarding addresses provided and perform a skip trace search on Class Notices that are
20 returned without a forwarding address and re-mail to the skip traced address.
- 21 5. Phoenix shall provide updates to the Parties on a weekly basis.
- 22 6. If issues as to the timeliness and validity of any opt outs cannot be resolved by Phoenix, the
23 Parties shall meet and confer in good faith to resolve them on their own. The Parties shall
24 submit any unresolved disputes to Judge McAuliffe for resolution.
- 25 7. No later than five (5) calendar days after the 45-day opt out period, or after all disputes
26 regarding the timeliness and validity of any and all opt-outs have been resolved, whichever is
27

1 later, Phoenix shall simultaneously disclose to all Parties a Microsoft Excel spreadsheet
2 containing the first and last names, addresses, and telephone numbers of all class members
3 who have not timely and validly opted out.

- 4 8. No later than five (5) calendar days after the 45-day opt out period, or after all disputes
5 regarding the timeliness and validity of any and all opt-outs have been resolved, whichever is
6 later, Phoenix shall disclose to Defendants a Microsoft Excel spreadsheet containing the first
7 and last names, addresses, and telephone numbers of all class members who have timely and
8 validly opted out.

9
10 IT IS SO ORDERED.

11 Dated: May 19, 2023

12 
13 UNITED STATES DISTRICT JUDGE