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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RON BRUCKERT,)	
)	
Plaintiff(s),)	No. C06-6920 BZ
)	
v.)	
)	ORDER SCHEDULING HEARING
CITY OF CONCORD,)	
)	
Defendant(s).)	
_____)	

The Joint Statement of the Parties filed September 25, 2008, in response to the court's Briefing Order, provides the court with sufficient information to enable it to evaluate many, but not all, of the factors relevant to a decision to approve an FLSA settlement. **IT IS THEREFORE ORDERED** that a hearing is scheduled for **Wednesday, October 22, 2008 at 10:00 a.m.** in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. The parties shall be prepared to discuss:

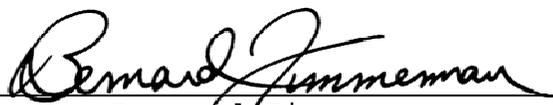
1. The relationship between the settlement amounts and the range of possible recovery should the plaintiffs succeed. See Collins v. Sanderson Farms, Inc., 2008 WL 2811225 at *9

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(E.D. La.); and

2. Whether the proposed attorney's fees are reasonable. Id. at *11. The court has seen no evidence to support a lodestar finding or to support an award of fees from a common fund greater than the 25% benchmark established by the Ninth Circuit. See e.g. Powers v. Eichen, 229 F.3d 1249, 1256 (9th Cir. 2000); Glass v. U.B.S. Financial Services, 2007 WL 221862 at *14 (N.D. Cal.).

Dated: October 8, 2008


Bernard Zimmerman
United States Magistrate Judge

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