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Attorneys for Plaintiff
 Jackie Flores, Arbella Yadegar
 and Van Norma Winterholler

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JACKIE FLORES, ARBELLA YADEGAR
 and VAN NORMA WINTERHOLLER, on
 behalf of themselves and all others similarly
 situated,

Plaintiff,

v.

ZALE DELAWARE, INC., and DOES 1 TO
 10, inclusive,

Defendants.

Case No. C 07-00539 TEH

**ORDER GRANTING MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

Hon. Thelton E. Henderson

1 The motion of Plaintiffs Jackie Flores, Arbellá Yadegar, and Van Norma Winterholler
2 (“Plaintiffs”) for an order preliminarily approving a class action settlement between Plaintiffs
3 and Defendant Zale Delaware, Inc. (“Defendant”) (collectively the “Parties”) and setting a final
4 approval hearing was noticed for hearing on January 26, 2009, before this Court. The time for
5 filing an opposition to the motion has passed, and the Court has received no opposition.
6 Defendant filed a statement of non-opposition on January 8, 2009.

7 The Court has carefully considered the Class Action Settlement Agreement and
8 Stipulation (“Stipulation”), Notice of Class Action Settlement (“Class Notice”) and the
9 Workweek Computation Form (Exhibits A and B, respectively, to the Stipulation), and the
10 written submissions of counsel, and finds this matter suitable for resolution without oral
11 argument. With good cause appearing, the Court hereby finds and orders as follows:

12 1. All defined terms contained herein shall have the same meaning as set forth in
13 the Stipulation executed by the Parties and filed with this Court.

14 2. The Court finds on a preliminary basis that the proposed settlement
15 memorialized in the Stipulation is within the range of reasonableness and hereby grants
16 preliminary approval of the settlement.

17 3. The Court conditionally finds that, for the purposes of approving this settlement
18 only and for no other purpose, the proposed settlement Class meets the requirements of
19 certification under Rule 23 of the Federal Rules of Civil Procedure: (a) the proposed Class is
20 ascertainable and so numerous that joinder of all members of the Class is impracticable;
21 (b) there are questions of law or fact common to the proposed Class; (c) the claims of the
22 Named Plaintiffs are typical of the claims of the members of the proposed Class; (d) the Named
23 Plaintiffs and their counsel will fairly and adequately protect the interests of the Class; and (e) a
24 class action is superior to the other available methods for an efficient resolution of this
25 controversy.

1 4. The Court hereby appoints, for settlement purposes only, Plaintiffs Jackie Flores,
2 Arbella Yadegar, and Van Norma Winterholler as Class Representatives, and the law firms of
3 Keller Grover LLP and the Law Office of Randall Crane as Class Counsel.

4 5. The Court hereby appoints Rust Consulting as the Settlement Administrator.

5 6. The Parties have also presented to the Court a plan to provide notice to the
6 proposed Class of the terms of settlement and the options facing the Class, including whether to
7 request exclusion from the settlement or object to the settlement. The Court finds that the
8 notice plan proposed by the Parties in the Stipulation is the best practical notice under the
9 circumstances. The Class Notice and the Workweek Computation Form, attached to the
10 Stipulation as Exhibits A and B respectively, are hereby approved.

11 7. Not later than twenty (20) days after the Court's entry of this Order, Defendant
12 shall provide the Settlement Administrator with the information necessary to conduct the
13 mailing of the Class Notice and the Workweek Computation Form, as set forth in the
14 Stipulation at ¶ 49. The Settlement Administrator must mail the Class Notice and the
15 Workweek Computation Form to Class Members not later than thirty (30) days after the Court's
16 entry of this Order granting preliminary approval and pursuant to the applicable provisions in
17 the Stipulation.

18 8. Any written objection to or request for exclusion from the settlement must be
19 postmarked no later than seventy-five (75) days after the date on which the Class Notices are
20 mailed.

21 9. Because this case is before this Court under the Class Action Fairness Act,
22 Defendant is required to notify "appropriate Federal and State officials" of the settlement.
23 28 U.S.C. § 1715. The Parties must file proof of such notification with the Court within five (5)
24 court days of the date of this Order.

25 10. The Court will conduct a Final Approval Hearing on June 22, 2009, at
26 10:00 AM, to determine the overall fairness of the Settlement and to fix the amount of
27 attorneys' fees and costs to Class Counsel and enhancements to the Class Representatives.

1 Plaintiffs shall file their motion for final approval of the settlement, and Class Counsel shall file
2 their motion for attorneys' fees, costs, and Class Representatives' enhancements, at least
3 thirty-five (35) days before the Final Approval Hearing, unless there will be no opposition or
4 reply papers, in which case the motions may be filed up to twenty-one (21) days before the
5 Final Approval Hearing.

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7 **IT IS SO ORDERED.**

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9 Dated: January 12, 2009



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

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13 Dated: December 19, 2008

Respectfully submitted,

KELLER GROVER LLP

14
15 /s/

ERIC A. GROVER
Attorneys for Plaintiffs Flores,
Yadegar and Winterholler

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17
18 Dated: December 19, 2008

LAW OFFICE OF RANDALL CRANE

19
20 /s/

RANDALL CRANE
Attornys for Plaintiffs Flores,
Yadegar and Winterholler

21
22
23 Dated: December 19, 2008

AKIN GUMP STRAUSS HAUER
& FELD LLP

24
25 /s/

CATHERINE A. CONWAY
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