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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Robert Navarro, on behalf of himself, and
on behalf of others similarly situated, and
the general public,

Plaintiffs,

vs.

Servisair, a Limited Liability Corporation;
and DOES 1 through 50, Inclusive,

Defendant.

Assigned to Hon. Marilyn Hall Patel

Case No. CV-08-2716-MH4

CLASS ACTION

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

The Motion for Preliminary Approval of a Class Action Settlement came before this Court, the Honorable Marilyn Hall Patel; presiding, on September 21, 2009. The Court, having considered the papers submitted in support of the parties' motion, HEREBY ORDERS THE FOLLOWING:

1. The Court grants preliminary approval of the Settlement and the Settlement Class based upon the terms set forth in the Joint Stipulation of Class Action Settlement and Release filed herewith. The Settlement appears to be fair, adequate and reasonable to the Class.
2. The Settlement falls within the range of reasonableness and appears to be presumptively valid, subject only to any objections that may be raised at the final

1 fairness hearing and final approval by this Court.

2 3. A final fairness hearing on the question of whether the proposed Settlement,
3 attorneys' fees to Class Counsel, and the Class Representative's enhancement
4 award should be finally approved as fair, reasonable and adequate as to the
5 members of the Class is scheduled for January 25, 2010, at 2:00 p.m. (Pacific
6 Time), in Courtroom 15 of the above-entitled Court.

7 4. The Court approves, as to form and content, the Notice of Class Action Settlement
8 in substantially the form attached to the Declaration of Jennifer Kramer as Exhibit
9 "A," and the Claim Form in substantially the form attached thereto as Exhibit "B".
10 The Court approves the procedure for Class Members to participate in, to opt out
11 of, and to object to, the Settlement as set forth in the Notice of Class Action
12 Settlement.

13 5. The Court directs the mailing of the Notice of Class Action Settlement and the
14 Claim Form by U.S. first-class mail to the Class Members in accordance with the
15 Implementation Schedule set forth below. The Court finds the dates selected for
16 the mailing and distribution of the Notice of Class Action Settlement and the
17 Claim Form, as set forth in the Implementation Schedule, meet the requirements of
18 due process and provide the best notice practicable under the circumstances and
19 shall constitute due and sufficient notice to all persons entitled thereto.

20 6. It is ordered the Settlement Class is preliminarily certified for settlement purposes
21 only.

22 7. The Court confirms Liberation Law Group and Jennifer Kramer Legal, APC as
23 Class Counsel.

24 8. The Court confirms Simpluris as the Claims Administrator.

25 9. To facilitate administration of the Settlement pending final approval, the Court
26 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any
27 claims, suits or administrative proceedings (including filing claims with the
28 California Division of Labor Standards Enforcement) regarding claims released by

1 the Settlement unless and until such Class Members have filed valid Requests for
2 Exclusion with the Claims Administrator and the time for filing claims with the
3 Claims Administrator has elapsed.

4 10. The Court orders the following Implementation Schedule for further proceedings:

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6 a.	Deadline for Defendant to Submit 7 Class Member Information to Claims 8 Administrator	10 calendar days after Order Granting Preliminary Approval.
9 b.	Deadline for Claims Administrator to 10 Mail the Notice and the Claim Form 11 to Class Members	30 calendar days after Order Granting Preliminary Approval
12 c.	Deadline for Class Members to 13 Postmark Claim Forms	45 calendar days after mailing of the Notice and Claim Form to Class 14 Members
15 d.	Deadline for Class Members to 16 Postmark Requests for Exclusion	45 calendar days after mailing of the Notice and Claim Form to Class 17 Members
18 e.	Deadline for Receipt by Court and 19 Counsel of any Objections to 20 Settlement	45 calendar days after mailing of the Notice and Claim Form to Class Members
21 f.	Deadline for Class Counsel to file 22 Motion for Final Approval of 23 Settlement	30 calendar days before the Final Approval Hearing
24 g.	Deadline for Class Counsel to file 25 Motion for Attorneys' Fees, Costs and 26 Enhancement Award	30 calendar days before the Final Approval Hearing

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h.	Deadline for Claims Administrator to compile Declaration of Due Diligence and Proof of Mailing	5 calendar days before the Final Approval Hearing
i.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	5 calendar days before the Final Approval Hearing, provided the number and percentage of number and percentage of opt outs has been previously provided to Defendant by Claims Administrator
j.	Final Fairness Hearing and Final Approval	January 25, 2010
k.	Deadline for Claims Administrator to mail the Settlement Awards and the Enhancement Award, and to wire transfer the Attorneys' Fees and Costs (if Settlement is Effective)	35 calendar days after Final Effective Date
l.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	180 calendar days after Final Effective Date

IT IS SO ORDERED.

Dated: October 13, 2009

