

1 RICHARD N. HILL, Bar No. 083629
 Email: rhill@littler.com
 2 ROBERT L. ZALETEL, Bar No. 96262
 Email: rzaletel@littler.com
 3 LITTLER MENDELSON
 A Professional Corporation
 4 650 California Street, 20th Floor
 San Francisco, CA 94108.2693
 5 T: 415.433.1940
 F: 415.399.8490
 6

Attorneys for Defendants
 7 INCOM MECHANICAL, INC., JOE LOCATI,
 JEFFREY LOCATI, PHIL LOCATI
 8

BRYAN SCHWARTZ LAW
 9 BRYAN SCHWARTZ, Bar No. 209903
 HILLARY BENHAM-BAKER, Bar No. 65019
 10 180 Grand Avenue, Suite 1550
 Oakland, CA 94612
 11 T: 510.444.9300
 F: 510.444.9301
 12 Email: Bryan@BryanSchwartzLaw.com
Hillary@BryanSchwartzLaw.com
 13

LAW OFFICES OF J. CHRISP
 14 JESSE BURL CHRISP, Bar No. 262518
 14655 Lakeshore Drive
 15 Clearlake, CA 94522
 T: 707.994.0529
 16 F: 707.995.3529
 Email: Jessechrisp@gmail.com
 17

Attorneys for Plaintiffs and the Putative Class
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UNITED STATES DISTRICT COURT
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NORTHERN DISTRICT OF CALIFORNIA
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Ricky Martinez, Josh LeClair, Norberto Suarez,
 21 Tyler Fox, and Jared Hutman, individually, on
 behalf of all others similarly situated, and on
 22 behalf of the general public,

23 Plaintiffs,

24 v.

25 Incom Mechanical, Inc., Joe Locati, Jeffrey
 Locati, Phil Locati, and DOES 1 through 50
 26 inclusive,

27 Defendants.
 28

Case No. 3:11-CV-01392 SI

**AMENDED [~~PROPOSED~~] ORDER
 GRANTING PLAINTIFFS' MOTION
 FOR CERTIFICATION OF
 SETTLEMENT CLASS,
 PRELIMINARY APPROVAL OF
 SETTLEMENT, AND APPROVAL
 OF CLASS NOTICE AND
 SETTLEMENT ADMINISTRATOR**

Hearing Date: October 7, 2011
 Time: 9:00 a.m.
 Judge: Susan Y. Illston

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 Plaintiffs' motion for preliminary approval of the class action settlement came before this
3 Court, Hon. Susan Y. Illston presiding, on October 7, 2011. The Court, having considered the papers
4 submitted in support of the application of the parties, HEREBY ORDERS THE FOLLOWING:

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class
6 based upon the terms set forth in the Joint Stipulation of Settlement and Release Between Plaintiffs
7 and Defendants ("Settlement Agreement"), attached to the Declaration of Bryan Schwartz as Exhibit
8 1. The Settlement appears to be fair, adequate, and reasonable to the Class.

9 2. The Settlement is supported by the recommendations of counsel and was negotiated
10 at arms' length, and is thus presumptively valid, subject only to any objections that may be raised at
11 the final fairness hearing and final approval by this Court.

12 3. To comply with the Ninth Circuit's decision in *In re Bluetooth Headset Litig.*, 654
13 F.3d 935 (9th Cir. 2011), Class Counsel will file their motion for fees and costs 15 days before the
14 final approval motion deadline.

15 4. A final fairness hearing on the question of whether the proposed Settlement,
16 attorneys' fees to Class Counsel, and the Class Representative's enhancement payments should be
17 finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled for
18 March 16, 2011, at 9:00 a.m., in the Courtroom of the Hon. Susan Y. Illston, Courtroom 10.

19 5. The Court approves, as to form and content, the Notice of Class Action Settlement
20 ("Notice") attached to the Declaration of Bryan Schwartz as Exhibit 1A and the Claim Form in
21 substantially the form attached thereto as Exhibit 1B. The Court approves the procedure for Class
22 Members to participate in, to opt out of, and to object to the Settlement as set forth in the Notice.

23 6. The Court directs the mailing of the Notice and the Claim Form by first-class mail to
24 the Class Members in accordance with the Implementation Schedule set forth below. The Court
25 finds the dates selected for the mailing and distribution of the Notice and the Claim Form, as set
26 forth in the Implementation Schedule, meet the requirements of due process and provide the best
27 notice practicable under the circumstances and shall constitute due and sufficient notice to all
28 persons entitled thereto.

1 7. It is ordered that the Settlement Class is preliminarily certified for settlement
2 purposes only.

3 8. The Court confirms Bryan Schwarz Law and the Law Offices of Jesse Chrisp as Class
4 Counsel for purposes of settlement only.

5 9. The Court confirms Simpluris as the Claims Administrator.

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

7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Deadline for Defendants to Provide Claims Administrator all Data Necessary for Effectuating the Settlement	10 Business Days after Court Orders Preliminary Approval of Settlement 10/21/11
	Deadline for Defendants to Deposit Settlement Amount into Qualified Settlement Fund	20 Days after Court Orders Preliminary Approval of Settlement, or by November 1, 2011, whichever is sooner 11/1/11
	Deadline for Claims Administrator to Mail the Notice and the Opt-in and Claim Form to Class Members	25 Business Days after Court Orders Preliminary Approval of Settlement 11/14/11
	Deadline for Class Members to Postmark Claim Forms, Request Exclusion from the Class (opt out) and serve written objections to the Settlement.	60 Days after Notice of Proposed Class Action Settlement and Opt-in and Claim Form is mailed by the Claims Administrator 1/13/12
	Deadline for Class Counsel to file fee petition.	15 days after the expiration of the 60 day period to file Opt-in and Claim Forms 1/30/12
	Deadline for Class Counsel to file	30 Days after the Expiration of the 60

<p>Motion for Final Approval of Settlement, Motion for Attorneys' Fees, Costs, and Enhancement Award</p>	<p>Day Period to File Opt-in and Claim Forms 2/13/12</p>
<p>Final Fairness Hearing and Final Approval</p>	<p>March 16, 2012 at 9:00 a.m.</p>

IT IS SO ORDERED.

Dated: 1/24/12, ~~2011~~

THE HONORABLE SUSAN Y. ILLSTON
 JUDGE OF THE UNITED STATES DISTRICT COURT