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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GILBERT SALINAS, individually, and
on behalf of all others similarly
situated,

Plaintiff,

vs.

KRAFT FOODS GLOBAL, INC., and
DOES 1 through 100, inclusive,

Defendants.

Case No. 12-CV-02894

CLASS ACTION

**ORDER GRANTING PLAINTIFF'S MOTION
FOR AN ORDER:**

**(1) GRANTING PRELIMINARY
APPROVAL OF THE CLASS ACTION
SETTLEMENT AGREEMENT;**

**(2) GRANTING CONDITIONAL
CERTIFICATION OF THE
SETTLEMENT CLASS;**

(3) APPOINTING CLASS COUNSEL;

**(4) APPOINTING CLASS
REPRESENTATIVE;**

**(5) APPOINTING SETTLEMENT
ADMINISTRATOR; AND**

**(6) APPROVING CLASS NOTICE, OPT-
OUT FORM AND TIMELINE FOR
ADMINISTRATION**

The Court, having considered the submissions, arguments and good cause appearing,
hereby **ORDERS THAT:**

1. This Court preliminarily approves the Class Action Settlement Agreement and
Release of Claims (“Settlement”) between Plaintiff Gilbert Salinas (“Plaintiff”), on Behalf of
Himself, and all Others Similarly Situated, and Defendant Kraft Foods Global, Inc.
 (“Defendant”) and finds that the Settlement is within the “range of reasonableness” as to the
Settlement Class, and that it is the product of good faith negotiations between the parties.

1 2. The Court conditionally certifies the proposed Settlement Class contained therein
2 and conditionally finds that, solely for the purposes of approving this settlement and for no other
3 purpose and with no other effect on this litigation, the proposed Settlement Class meets the
4 requirements for certification under Federal Rules of Civil Procedure, Rules 23(a) and 23(b),
5 including that: (a) the proposed class is ascertainable and so numerous that joinder of all
6 members of the class is impractical; (b) there are predominant questions of law or fact common
7 to the proposed class, and there is a well defined community of interest amongst the members of
8 the proposed class with respect to the subject matter of the litigation; (c) the claims of
9 Representative Plaintiff Gilbert Salinas are typical of the claims of the members of the proposed
10 class; (d) Representative Plaintiff Gilbert Salinas and Class Counsel will fairly and adequately
11 protect the interests of the members of the class and (e) a class action is superior to other
12 available methods for an efficient adjudication of this controversy.

13 3. The Court provisionally finds Scott Cole & Associates, APC to be sufficiently
14 experienced and proficient in class action proceedings that they may act as Class Counsel and
15 are, therefore, appointed as such.

16 4. The Court provisionally appoints Representative Plaintiff Gilbert Salinas as Class
17 Representative.

18 5. The Court grants Class Counsel permission to obtain bids from various companies
19 for the administration of this Settlement and grants permission for the Parties to then select the
20 most cost efficient bidder as Claims Administrator.

21 6. The Court approves the Revised Class Notice, filed on August 20, 2013. Dkt. No.
22 41, Exhibit A. Notice shall be provided to Settlement Class Members as set forth in the
23 Settlement and the Court finds that it is the best notice practicable under the circumstances and
24 fully complies with the laws of the State of California, the Federal Rules of Civil Procedure and
25 the requirements of due process.

26 7. Defendant will provide the Claims Administrator with the name, last known home
27 address, home telephone number, email address, and data pertaining to the dates of employment
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1 for each and every person within the class definition. This data is within Defendant's
2 employment records.

3 8. The Class Notice will be mailed within twenty-five (25) calendar days of the
4 Court granting preliminary approval of the Settlement. Plaintiff and Class Members shall not be
5 required to pay return postage on the Class Notice and the cost of such postage shall be included
6 in the fees and costs of the Settlement Administrator.

7 9. The Court approves the proposed procedure for submitting Requests for
8 Exclusion. Class Members must submit a signed, written request to the Claims Administrator
9 which clearly states his/her wish not to participate in the Settlement.

10 10. Objections to the Settlement must be filed with the clerk of the court and served
11 on Class Counsel and Defendant's Counsel no later than thirty (30) calendar days after the Class
12 Notice is sent (or not more than ten (10) calendar days after the date the Class Notice is re-
13 mailed).

14 11. At least 35 days prior to the Final Approval Hearing, Plaintiff will file a motion
15 for final approval and judgment, for reimbursement of attorneys' fees and litigation costs, for
16 reimbursement of costs associated with the claims administration of this settlement, and an
17 enhancement award to the Representative Plaintiff for his service to the Class.

18 12. The Final Approval Hearing shall be held on November 13, 2013 at 2:00 p.m. to
19 determine whether the proposed Settlement is fair, adequate, reasonable, and should be
20 approved. Plaintiff's papers in support of the Settlement, and any application for award of
21 attorneys' fees, costs, and expenses to Class Counsel, payment to the California Labor &
22 Workforce Development Agency ("LWDA") for release of claims under the Private Attorneys
23 General Act ("PAGA") under Labor Code §§ 2699 et seq., and any application for a service
24 payment to the Representative Plaintiff, shall be filed with the Court on or before October 9,
25 2013. Should the proposed Settlement be approved, following the final approval hearing, the
26 Court shall enter judgment in accordance with the Settlement that will adjudicate the rights of all
27 Class Members who do not opt out, including the named Plaintiff.

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1 13. Class Counsel shall provide the Court, at least five (5) calendar days prior to the
 2 final approval hearing, a declaration by the Settlement Administrator of due diligence and proof
 3 of mailing with regard to the mailing of the Class Notice.

4 13. Unless otherwise modified by the Court, the dates for performance are as follows:

Date/Triggering Event:	Event:
August 26, 2013	Court enters Conditional Approval Order.
September 10, 2013 [15 calendar days after Conditional Approval]:	Deadline for Defendant to provide the Stipulated Class Members' contact information to Settlement Administrator.
September 20, 2013 [25 calendar days after Conditional Approval]:	Deadline for Settlement Administrator to mail Class Notice Package.
October 20, 2013 [30 days after Class Notice Package mailed (or within ten calendar days of the date the Class Notice was re-mailed)]:	Last day for Class Members to object to the Settlement or to opt-out of the Settlement via a written request for exclusion.
October 9, 2013 [35 days or more before Final Approval Hearing]	Last Day for Class Counsel to file Motion for Final Approval.

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 19 **IT IS SO ORDERED.**

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 21 Dated: August 26, 2013



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 The Honorable William H. Orrick
 United States District Court Judge