

1 GEOFFREY SPELLBERG, State Bar No. 121079
 KEVIN P. MCLAUGHLIN, State Bar No. 251477
 2 MEYERS, NAVE, RIBACK, SILVER & WILSON
 555 12th Street, Suite 1500
 3 Oakland, California 94607
 Telephone: (510) 808-2000
 4 Facsimile: (510) 444-1108
 gspellberg@meyersnave.com
 5

Attorneys for Plaintiffs
 6 Michael McBride, Mario Valdez, Pedro Garcia,
 Kenny Spencer, Robert Ryan
 7

REBECCA EISEN, State Bar No. 96129
 8 JENNIFER SVANFELDT, State Bar No. 233248
 MORGAN, LEWIS & BOCKIUS LLP
 9 One Market, Spear Street Tower
 San Francisco, California 94105-1126
 10 Telephone: 415.442.1000
 Facsimile: 415.442.1001
 11 reisen@morganlewis.com

12 Attorneys for Defendant
 Mylan, Inc.
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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16 MICHAEL MCBRIDE, MARIO VALDEZ,
 17 PEDRO GARCIA, KENNY SPENCER,
 ROBERT RYAN, individually and on behalf
 18 of all others similarly situated,

19 Plaintiffs,

20 v.

21 MYLAN, INC, and DOES 1 through 50
 inclusive,
 22

Defendants.
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Case No. 13-CV-01533-VC

~~PROPOSED~~ ORDER:

1. **CONDITIONALLY CERTIFYING SETTLEMENT CLASS;**
2. **PRELIMINARILY APPROVING PROPOSED SETTLEMENT;**
3. **APPROVING NOTICE TO CLASS;**
- AND
4. **SETTING HEARING FOR FINAL APPROVAL OF SETTLEMENT**

Date: May 29, 2014
 Time: 1:30 p.m.
 Court.: 4 – 17th Floor

First Amended Complaint Filed:
 March 26, 2013

Trial Date: None Set

1 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORDS:

2 Plaintiffs Michael McBride, Mario Valdez, Pedro Garcia, Kenny Spencer, and Robert
3 Ryan and Defendant Mylan, Inc. (collectively as “the Parties”) have reached terms of settlement
4 for a putative class action and collective action. The Parties filed a Joint Motion for Preliminary
5 Approval of Class Action Settlement of the settlement of the claims asserted in this action,
6 memorialized in the Joint Stipulation of Class Action Settlement and Release (“Settlement
7 Agreement”) fully executed by the Parties on February 27, 2014. The Stipulation of Settlement,
8 together with the documents and exhibits incorporated therein, sets forth the terms and conditions
9 for the proposed settlement.

10 After reviewing the Settlement Agreement, the proposed Notice of Class Action
11 Settlement (“Class Notice”), the Claim Form And Opt In Notice (“Claim Form”), the Joint Motion
12 for Preliminary Approval, the pleadings and other papers on file in this action, and the arguments
13 of counsel, IT IS HEREBY ORDERED AS FOLLOWS:

14 1. The Court preliminarily finds that the proposed class satisfies the requirements of a
15 settlement class under Rule 23 of the Federal Rules of Civil Procedure. The certification
16 requirements are satisfied because the proposed Class is so numerous that joinder of all Class
17 Members is impracticable, there are questions of law or fact common to the Class, the claims of
18 Plaintiffs are typical of the claims of the Class, and Plaintiffs will fairly and adequately protect the
19 interests of the Class.

20 2. The Parties’ Settlement Agreement is granted preliminary approval as it meets the
21 criteria for preliminary settlement approval. The Settlement falls within the range of possible
22 approval as fair, adequate and reasonable, and appears to be the product of arms’ length and
23 informed negotiations and will treat all Class Members fairly.

24 3. The Parties’ proposed notice plan is constitutionally sound because individual
25 notices will be mailed to all Class Members whose identities are known to the parties, and such
26 notice is the best notice practicable. The Parties’ proposed Class Notice (Settlement Agreement,
27 Exh. 1), and proposed Claim Form (*id.*, Exh. 2) are sufficient to inform Class Members of the
28 terms of the Settlement, their rights under the Settlement, their rights to object to the Settlement,

1 their rights to receive a payment under the Settlement or elect not to participate in the Settlement,
2 and the processes for doing so, and the date and location of the Final Approval Hearing and are
3 therefore approved.

4 4. The following persons are certified as Class Members solely for the purpose of
5 entering into a settlement of this matter:

6 All current and former employees of Mylan, Inc., Mylan Specialty L.P., and all
7 affiliated parties and entities, who are or were employed by Mylan Specialty L.P.
8 as FFS Technicians (including Senior FFS Technicians) and Clean Room
9 Technicians in California at any time from March 7, 2009 through the Preliminary
Approval Date.

10 5. The funds remaining after the class counsel's fees and costs and the Class
11 Representative Service Payments are subtracted from the Maximum Settlement Amount will be
12 distributed *pro rata* on a workweek basis for all Eligible Workweeks of Class members. The
13 workweeks of Class Members who timely submit a completed valid Claim Form, including a
14 release of claims under the Fair Labor Standards Act, will be multiplied by five to determine the
15 Eligible Weighted Workweeks. In accordance with the Settlement Agreement, a Claim Form
16 must be submitted within 60 days after mailing the Class Notice by the Claims Administrator.
17 The Class Members who do not submit a timely and complete Claim Form will also receive a
18 settlement payment. The workweeks of such Class Members will be multiplied by two to
19 determine the Eligible Weighted Workweeks.

20 6. The Claim Form will serve as each Qualified Claimant's written consent to become
21 a party plaintiff pursuant to Section 216(b) of the Fair Labor Standards Act. The checks issued to
22 Late Participating Claimants will include language reflecting that by endorsing the check, the
23 individual is consenting to join the Action and electing to participate in the Settlement, as well as
24 the following release language "By endorsing this check, I consent to join the Settlement Class in
25 *McBride et al. v. Mylan Inc.*, elect to participate in the Settlement, and agree to release all of the
26 Released Claims covered by the Settlement."

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1 7. Class Members will be bound by the Settlement unless they submit a timely and
2 valid written request to be excluded from the Settlement within 45 days after mailing of the Class
3 Notice by the Claims Administrator or in accordance with the terms of the Settlement Agreement.

4 8. Simpluris, Inc. is appointed as Claims Administrator, pursuant to the terms set forth
5 in the Settlement Agreement.

6 9. Plaintiffs Michael McBride, Mario Valdez, Pedro Garcia, Kenny Spencer, and
7 Robert Ryan are appointed the Class Representatives. Geoffrey Spellberg and Kevin P.
8 McLaughlin of Meyers, Nave, Riback, Silver & Wilson are appointed Class Counsel.

9 10. The Claims Administrator is directed to mail the approved Class Notice and Claim
10 Form by first-class mail to the Class Members not later than 30 days after the date of preliminary
11 approval.

12 11. A Final Approval Hearing will be held on October 2, 2014 at 1:30 p.m.
13 a.m./p.m. to determine whether the Settlement should be granted final approval as fair, reasonable,
14 and adequate as to the Class Members. At that time, the Court will hear all evidence and
15 arguments necessary to evaluate the Settlement, and will consider Plaintiffs' request for Class
16 Representative Service Payments and Class Counsel's request for an award of attorneys' fees and
17 costs. Class Members and their counsel may support or oppose the Settlement and the motion for
18 awards of the Class Representative Service Payments and attorneys' fees and costs, if they so
19 desire, in accordance with the procedures set forth in the Class Notice.

20 12. As set forth in the Settlement, any Class Member may appear at the final approval
21 hearing in person or by his or her own attorney, and show cause why the Court should not approve
22 the Settlement, or object to the motion for awards of the Class Representative Service Payments
23 and attorneys' fees and costs. For any comments or objections to be considered at the hearing, the
24 Class Member must submit a written objection in accordance with the deadlines set forth in the
25 Class Notice.

26 13. Any petition for an award of attorneys' fees or reimbursement of litigation costs
27 and expenses shall be filed prior to the Final Approval Hearing.

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14. The Court reserves the right to continue the date of the final approval hearing without further notice to Class Members. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement.

IT IS SO ORDERED.

Dated: May 29, 2014

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