

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HORACIO DE VEYRA PALANA, et al.,
Plaintiffs,
v.
MISSION BAY INC., et al.,
Defendants.

Case No. [13-cv-05235-SI](#)

**ORDER RE: DEFENDANTS' MOTION
TO DISMISS AND PLAINTIFFS'
MOTION TO APPOINT CLASS
COUNSEL**

Re: Dkt. Nos. 116, 117

Pending before the Court are two motions: defendants’ motion to dismiss plaintiffs Conchito Cabiles and Felix Cadenas, Dkt. No. 116, and plaintiffs’ motion to amend the class certification order to appoint class counsel, Dkt. No. 117. This matter came on for hearing on Friday, March 25, 2016. Counsel for defendants did not appear, but at the hearing counsel for plaintiffs informed the Court that the case settled on March 24, following a settlement conference with Magistrate Judge Laporte. *See* Docket Nos. 133, 134. As part of the settlement, the parties agreed that defendants’ motion to dismiss would be withdrawn as to plaintiff Cadenas and granted as to Cabiles. The Court therefore **GRANTS** the motion to dismiss the claims of plaintiff Cabiles from the case.

Regarding the plaintiffs’ motion to add the law firm of Kletter & Nguyen Law LLP as class counsel, the Court indicated at the hearing that it would grant this motion.¹ Having considered the declaration of Cary Kletter, the Court finds Kletter & Nguyen Law LLP adequately

¹ In their motion, plaintiffs erroneously state that “the class certification order does not currently appoint any class counsel.” Dkt. No. 117 at 3. On July 7, 2015, the Court appointed Justice at Work Law Group as class counsel when it granted plaintiffs’ motion for class certification. Dkt. No. 81 at 8. Because Justice at Work Law Group has already been appointed class counsel, the Court now considers only whether to add Kletter & Nguyen Law LLP. Defendants do not oppose plaintiffs’ motion. Dkt. No. 127.

1 suited to represent the interests of the putative class under Federal Rule of Civil Procedure
2 23(g)(1) based on the work counsel has done in identifying and investigating plaintiffs' claims;
3 counsel's experience in handling class action and other litigation in the area of employment wage
4 and hour matters; counsel's knowledge of the applicable law; and the time and resources counsel
5 has spent and commits to spend to represent the class in this case. *See* Dkt. No. 118. The Court
6 therefore **GRANTS** plaintiffs' motion to add Kletter & Nguyen Law LLP as class counsel.

7 This resolves Docket Nos. 116 and 117.

8
9 **IT IS SO ORDERED.**

10 Dated: April 1, 2016



SUSAN ILLSTON
United States District Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28