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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LANNDEN BOWER, as an individual,
and on behalf of all others similarly
situated,

Plaintiff,

vs.

CYCLE GEAR, INC., a California
Corporation; and DOES 1 through 10,

Defendants.

CASE NO. 3:14-cv-02712-HSG

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

Assigned to the Hon. Haywood S.
Gilliam, Jr.

1 On November 19, 2015, the Court heard a motion by Plaintiff Lannden
2 Bower (“Plaintiff”) for preliminary approval of his proposed class action
3 settlement with Defendant Cycle Gear, Inc. (“Defendant”). The Court has
4 considered Plaintiff’s motion, the Class Action Settlement Agreement and
5 Stipulation (“Settlement Agreement”), the proposed Class Notices, and proposed
6 FLSA Opt-In Form, and the submissions of counsel, and hereby finds and orders as
7 follows:

8 1. The Court finds on a preliminary basis that the class action settlement
9 memorialized in the Settlement Agreement, filed with the Court, falls within the
10 range of reasonableness and, therefore, meets the requirements for preliminary
11 approval.

12 2. The Court conditionally certifies, for settlement purposes only, the
13 following settlement subclasses (collectively, the “Settlement Class”):

14
15 All hourly non-exempt employees employed by
16 Defendant at any time from May 11, 2012 through
17 December 8, 2015 and who, during that period, earned
18 spiffs, commissions, and/or bonuses in any week in
19 which they also worked more than forty (40) hours (the
20 “FLSA Overtime Subclass”).

21
22 All current and former non-exempt employees in
23 California who earned bonuses, commissions, and/or
24 spiffs, and earned overtime wages during a
25 corresponding time period, from June 11, 2010 through
26 December 8, 2015 (the “California Overtime Subclass”).

27
28 All current and former non-exempt employees in
California who worked shifts of 3.5 to 3.99 hours, 6.01
to 7.99 hours and/or 10.01 to 11.99 hours in duration,
from June 11, 2010 through December 8, 2015 (the “Rest
Period Subclass”).

All current and former non-exempt employees in
California who: (i) earned spiffs and overtime wages
during any pay period, and/or (ii) were paid an hour of
pay for a purported meal period violation that was
combined with the “regular hours” worked on their wage
statement, from June 11, 2013 to August 4, 2014 (the
“Wage Statement Subclass”).

1 All former non-exempt employees in California who
2 received bonuses, commissions, and/or spiffs, and earned
3 overtime wages during a corresponding time period, from
4 June 11, 2011 to August 28, 2014, and who separated
5 their employment from Defendant from June 11, 2011
6 through December 8, 2015 (the “Waiting Time Penalty
7 Subclass”).

8 All current and former hourly non-exempt employees in
9 California who worked shifts exceeding six hours per
10 day, and do not have timekeeping records reflecting: (a) a
11 meal period of at least thirty minutes commencing prior
12 to the completion of the fifth hour of work, and/or (b) a
13 second meal period of at least thirty minutes for shifts
14 worked in excess of ten hours, prior to the end of the
15 tenth hour of work, from June 11, 2010 through
16 December 8, 2015 (the “Meal Period Subclass”).

17 All current and former non-exempt employees of
18 Defendant who are also members of the California
19 Overtime Class, Rest Period Class, Wage Statement
20 Subclass, Waiting Time Subclass, and/or Meal Period
21 Subclass from June 11, 2013, through December 8, 2015
22 (the “PAGA Aggrieved Employee Subclass”).

23 The Court finds that, for settlement purposes only, the requirements of
24 Federal Rule of Civil Procedure 23(a) and Federal Rule of Civil Procedure
25 23(b)(3) are satisfied, with the exception of the manageability requirement of Rule
26 23(b)(3) which the Court need not address for purposes of settlement.

27 3. The Court appoints, for settlement purposes only, Lannden Bower, as
28 the Class Representative.

1 The Court appoints, for settlement purposes only, Paul K. Haines and
2 Fletcher W. Schmidt of Boren Osher & Luftman LLP, and Hernaldo J. Baltodano
3 of Baltodano & Baltodano LLP as Class Counsel for settlement purposes.

4 The Court appoints CPT Group, Inc. as Claims Administrator.

5 The Court approves, as to form and content, the proposed California
6 Class Notice, FLSA Class Notice, and FLSA Opt-In Form. The Claims
7 Administrator is ordered to mail those documents to the Class members as
8 provided in the Settlement Agreement and the Court’s order dated December 8,
9 2015. Docket Entry No. 67.

1 7. Members of the FLSA Overtime Subclass who have not already
2 submitted an FLSA Consent Form in this action will have sixty (60) days after the
3 date on which the Claims Administrator mails the Class Notices to submit an
4 FLSA Opt-In form to the Claims Administrator to opt-in to the Settlement.

5 8. Each Class Member who wishes to be excluded from the Settlement
6 Class will have sixty (60) days from the date the Class Notices are originally
7 mailed to opt-out of the Class.

8 9. Each Settlement Class member who does not opt-out, and each FLSA
9 Overtime Class member who validly opts-in, will have sixty (60) days after the
10 date on which the Claims Administrator mails the Class Notices to object to the
11 Settlement by serving a written objection on the Claims Administrator (who will
12 then promptly serve it on Class Counsel and Defendant's counsel). Class Counsel
13 shall file any objections received with the Court.

14 10. The Court will conduct a Final Approval Hearing on May 26, 2016, at
15 2:00 p.m., or as soon thereafter as the matter may be heard, to determine the
16 overall fairness of the settlement and to fix the amount of reasonable attorneys'
17 fees and costs to Class Counsel and incentive payment to the Class Representative.
18 The Final Approval Hearing may be continued without further notice to the
19 Settlement Class members. Class Counsel shall file their motion for approval of
20 reasonable attorneys' fees, costs, and the Class Representative's incentive payment
21 sought in the Settlement on or before March 4, 2016, and it shall be posted on class
22 counsel's website. Class Counsel shall file their motion for final approval of the
23 settlement on or before April 21, 2016.

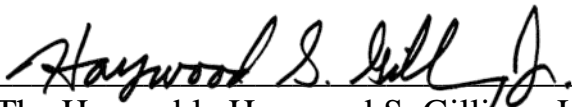
24 11. The following is the settlement approval schedule:

Event	Date
Defendant to provide class contact information to Claims Administrator	January 11, 2016
Deadline to mail claim packets	January 26, 2016

1	Filing Deadline for attorneys' fees and costs motion, and incentive payment motion	March 4, 2016
2		
3	Last date to submit claims	March 26, 2016
4	Last date to file Objections	March 26, 2016
5	Filing deadline for final approval motion	April 21, 2016
6		
7	Final Fairness Hearing and Hearing on Motions	May 26, 2016

8 IT IS SO ORDERED.

9
10 Dated: December 11, 2015

11 
12 The Honorable Haywood S. Gilliam, Jr.
13 United States District Judge