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NICHOLAS SELBE, DANIEL GHYCZY,
MAKAELA O'CONNELL, and ANNIYA LOUIS,
on behalf of themselves and all others similarly
situated

Counsel Continued on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS SELBE, DANIEL
GHYCZY, MAKAELO
O'CONNELL, and ANNIYA LOUIS
on behalf of themselves and others
similarly situated,

Plaintiffs,

v.

PEAK CAMPUS MANAGEMENT,
LLC,

Defendant.

Case No. 3:14-cv-3238-MMC

**ORDER REGARDING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS AND COLLECTIVE ACTION
SETTLEMENT**

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Attorneys for Defendant
PEAK CAMPUS MANAGEMENT, LLC

1
2 **ORDER**

3 Plaintiff's unopposed Motion for Preliminary Approval of Class and Collective
4 Action Settlement ("Motion") came on regularly for hearing on December 18, 2015, at
5 9:00 a.m., in the United States District Court for the Northern District of California,
6 the Honorable Maxine M. Chesney presiding. All parties were represented by counsel.

7 Having considered the memoranda and declarations, oral arguments of counsel,
8 and the relevant statutory and case law, the Court GRANTS Plaintiff's Motion and
9 orders and finds as follows:

10 1. The Parties' proposed Stipulated Settlement Agreement of Class Action
11 Claims (the "Settlement") is preliminarily approved, and the Class Settlement Notice
12 with Work Period Dispute Form for FLSA Class Members and the Class Settlement
13 Notice with Claim Form for California Non-FLSA Class Members attached hereto as
14 **Exhibit 1** and **Exhibit 2** are approved.

15 2. The following Class and Collective Action is certified for settlement
16 purposes only pursuant to Federal Rules of Civil Procedure 23 and 29 U.S.C.
17 § 216(b):

18 All persons who have submitted a "Consent to Join Collective Action"
19 in the instant Lawsuit prior to June 1, 2015 ("Opt-In Class Members")
20 and all individuals employed in the State of California between
21 January 1, 2011 and August 1, 2014 who were employed in any of the
22 following "Covered Positions": All Star; Community Advisor;
23 Community Assistant; Leasing All-Star; Work for Rent Leasing All-
Star; or any combination thereof ("California Class Members")
(collectively, "Class Members").

24 3. Plaintiffs' attorneys, Joshua M. David of David, Kamp & Frank, L.L.C.
25 and Eric B. Kingsley of Kingsley & Kingsley, APC are appointed Class Counsel, and
26 Nicholas Selbe, Daniel Ghyczy, Makaela O'Connell, and Anniya Louis are appointed
27 as the Class Representatives.

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2 4. Simpluris is appointed as the Settlement Administrator.

3 5. No later than January 12, 2016, Defendant, with the input from Class
4 Counsel contemplated in the Settlement, will provide the Class List to the Settlement
5 Administrator.

6 6. On January 26, 2016, the Settlement Administrator shall send to the
7 Class Members via United States First Class Mail and, where available, electronic
8 mail, the Court-approved Class Settlement Notices, in the form that is attached hereto
9 as **Exhibit 1** and **Exhibit 2**.

10 7. No later than February 9, 2016, Class Counsel shall file, serve, and
11 submit for posting on the Settlement Administrator's website their motion for
12 attorneys' fees, litigation costs, and Enhancement Awards.

13 8. March 25, 2016 is the deadline for Class Members to postmark and send
14 to the Court written objections to the Settlement.

15 9. March 25, 2016 is also the deadline for California Non-FLSA Class
16 Members (as defined in the Settlement) to postmark and send, as applicable, written
17 requests for exclusion and Claim Forms to the Settlement Administrator.

18 10. No later than April 8, 2016 Class Counsel shall file and serve their
19 motion for Final Approval of Class and Collective Action Settlement and the parties
20 shall file responses to any objections.

21 11. The final approval hearing is set for April 29, 2016 at 9:00 a.m.

22 12. The settlement is deemed filed as of the date of preliminary approval for
23 purposes of providing notice to the appropriate officials pursuant to 28 U.S.C. § 1715.

24 **IT IS SO ORDERED.**

25
26 Dated: December 30, 2015

27 
28 MAXINE M. CHESNEY
United States District Judge

ORDER REGARDING MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND COLLECTIVE ACTION
SETTLEMENT