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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOVELY NAKOOKA and ELVA REYES,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

DOLLAR TREE STORES, INC., and DOES
1-10, inclusive,

Defendants.

No. 3:17-cv-03955-JD

CLASS ACTION

**~~PROPOSED~~ ORDER RE PRELIMINARY
APPROVAL**

Re: Dkt. No. 36

1 Plaintiffs Lovely Nakooka and Elva Reyes and defendant Dollar Tree Stores, Inc. (“Dollar
2 Tree”), renew their joint motion for conditional certification of a settlement class in this action,
3 preliminary approval of the parties’ proposed settlement, approval of the notice to be sent to the class
4 about the settlement, and the setting of a date for the hearing on final approval of the settlement. The
5 Court denied the original joint motion based on a number of concerns, including an unacceptably low
6 recovery per class member, an unduly broad release, and a number of other significant problems. Dkt.
7 No. 30. The denial was without prejudice, and the parties’ renewed motion fixes to a satisfactory degree
8 the problems that doomed the original request. The request for preliminary approval is granted.

9 IT IS ORDERED:

10 1. The proposed class satisfies the requirements of a settlement class because, for purposes
11 of settlement only, the class is so numerous that joinder of all members is impracticable; there are
12 questions of law or fact common to the class; the claims or defenses of the representative parties are
13 typical of the claims or defenses of the class; and the representative parties will fairly and adequately
14 protect the interests of the class; and because the questions of law or fact common to class members
15 predominate over any questions affecting only individual members, and that a class action is superior to
16 other available methods for fairly and efficiently adjudicating the controversy.

17 2. The parties’ Settlement Agreement (the “Settlement” or the “Agreement”), as revised and
18 presented to the Court, is granted preliminary approval as it meets the criteria for preliminary settlement
19 approval. The Settlement falls within the range of possible approval as fair, adequate and reasonable,
20 and appears to be the product of arm’s length and informed negotiations and to treat all Class Members
21 fairly.

22 3. The parties’ proposed notice plan is constitutionally sound because individual notices
23 will be mailed to all Class Members whose identities are known to the parties, with a website to have
24 additional information. Such notice is the best notice practicable. The parties’ proposed Class Notice
25 (Settlement, Ex. C) is sufficient to inform Class Members of the pending Settlement, the impact on
26 them, and where to locate additional information regarding their rights under the Settlement, their rights
27 to object to or comment on the settlement, their right to receive a Settlement Share or elect not to
28 participate in the Settlement, and the processes for doing so, and the date and location of the final

1 approval hearing and is therefore approved.

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

4 All non-exempt hourly store employees employed by Dollar Tree Stores, Inc., in
5 California, during the period from July 13, 2013, to December 13, 2018, and excluding
6 those individuals who already have resolved the claims asserted in this Action, whether
by settlement or adjudication.

7 5. Class Members will receive a Settlement Share unless they submit a valid and timely
8 election not to participate in the Settlement.

9 6. Any Class Member who elects not to participate in the Settlement has until 75 days after
10 the mailing of the Class Notice to submit his or her election not to participate in the Settlement.

11 7. Any Class Member who wishes to object to the Settlement has until 75 days after the
12 mailing of the Class Notice to mail to the Clerk of Court and counsel for the parties his or her written
13 objection (and, if he or she wishes to appear at the final approval hearing, to indicate in his or her written
14 objection an intention to appear). Late objections will be accepted only if the objector shows good cause
15 or good reason for the delay.

16 8. Class Counsel are directed to file their motion for awards of the Class Representative
17 Payments and the Class Counsel Fees and Costs Payment by March 25, 2019.

18 9. Any Class Member who wishes to object to the requests for the Class Representative
19 Payment or the Class Counsel Fees and Expenses Payment has until 75 days after the mailing of the
20 Class Notice to file with the Clerk of Court and serve on counsel for the parties his or her written
21 objection (and, if he or she wishes to appear at the final approval hearing, to indicate in his or her written
22 objection an intention to appear), pursuant to the procedures set forth in the Class Notice. Late
23 objections will be accepted only if the objector shows good cause or good reason for the delay.

24 10. Rust Consulting, Inc. is appointed to act as the Settlement Administrator, pursuant to the
25 terms set forth in the Agreement.

26 11. Plaintiffs Lovely Nakooka and Elva Reyes are appointed the Class Representatives.
27 Randall B. Aiman-Smith, Reed W.L. Marcy, Hallie Von Rock, Carey A. James, and Brent A. Robinson
28 of Aiman-Smith & Marcy are appointed Class Counsel.

1 12. The Class Notice will be disseminated according to the notice plan described in the
2 Settlement Agreement and substantially in the form submitted by the parties. Proof of distribution of the
3 Class Notice will be filed by the parties in conjunction with the motion for an order granting final
4 approval of the Settlement.

5 13. Dollar Tree is directed to provide to the Settlement Administrator not later than 45 days
6 after the date of this order the Class Members' Data as specified by the Settlement Agreement.

7 14. The Settlement Administrator is directed to create a dedicated website to provide
8 information about the Settlement and the process to object or submit elections not to participate, which
9 shall include key filings regarding the Settlement (including the complete Settlement and Settlement
10 Exhibit D), and mail the approved Class Notice by first-class mail to the Class Members not later than
11 15 days after receipt of the Class Members' Data.

12 15. A final approval hearing will be held on July 18, 2019, at 10:00 a.m., to determine
13 whether the Settlement should be granted final approval as fair, reasonable, and adequate as to the Class
14 Members. The Court will hear all evidence and argument necessary to evaluate the Settlement, and will
15 consider plaintiffs and Class Counsel's request, made by separate motion, for the Class Representative
16 Payments and the Class Counsel Fees and Expenses Payment. Class Members and their counsel may
17 support or oppose the Settlement and the motion for awards of the Class Representative Payments and
18 the Class Counsel Fees and Expenses Payment, if they so desire, as set forth in the Class Notice.

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

22 17. Accordingly, the parties will follow the following schedule:

Date	Event
02/04/2019	Dollar Tree to provide to Settlement Administrator with a spreadsheet containing Class Member contact information (45 days after order granting preliminary approval)
02/19/2019	Settlement Administrator to mail Class Notice to all Class Members (15 days after receiving Class Member information from Dollar Tree)

Date	Event
03/25/2019	Date by which Class Counsel will submit its motion for Class Representative Payments and Class Counsel Fees and Expenses Payment
05/06/2019	Last day for Class Members to file with the Court objections regarding the Settlement or the Class Representative Payments and the Class Counsel Fees and Expenses Payment (75 days after Settlement Administrator mails Class Notice to all Class Members)
05/06/2019	Last day for Class Members to submit a valid election not to participate in Settlement (75 days after Settlement Administrator mails Class Notice to all Class Members)
05/20/2019	Date by which Settlement Administrator will provide parties with a list of all Class Members who submitted timely and valid elections not to participate in the Settlement (14 days after the deadline for submission of elections not to participate in Settlement)
07/18/2019	Final Approval and Fairness hearing (at 10:00 a.m.)

18. 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: December 19, 2018



James Donato
United States District Judge