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15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **OAKLAND DIVISION**

18 SARA ZINMAN, individually, and on behalf  
19 of all others similarly situated,

20 Plaintiffs,

21 v.

22 WAL-MART STORES, INC., and DOES 1  
23 through 100,

24 Defendants.

25 Case No. C09-02045 CW

26 **ORDER GRANTING PLAINTIFF  
27 SARA ZINMAN'S UNOPPOSED  
28 MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

29 Date: August 25, 2011  
30 Time: 2:00 p.m.  
31 Judge: Hon. Claudia Wilken  
32 Courtroom: 2, 4<sup>th</sup> Floor

33 Case No. C09-02045 CW

34 ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT

1                   On August 25, 2011 the Court heard a motion by plaintiff Sara Zinman, on behalf of  
2 herself and all others similarly situated, for preliminary approval of a proposed class action  
3 settlement, which was not opposed by defendant Wal-Mart Stores, Inc. The Court has considered  
4 the parties' Settlement Agreement (the "Settlement"), the supporting Memorandum of Points and  
5 Authorities, the accompanying Declarations of Bryan J. Schwartz, Esq. and Sara Zinman, the  
6 proposed Notice of Class Action Settlement (the "Class Notice") and attached forms and exhibits  
7 the submissions of counsel, and the statements of counsel at the hearing on this matter, and  
8 hereby finds and orders as follows:

9                   1.       The Court finds on a preliminary basis that the Settlement filed with the Court falls  
10 within the "range of reasonableness" and therefore approves the Settlement on a preliminary  
11 basis.

12                   2.       The Court certifies, for settlement purposes only, the following class ("Settlement  
13 Class"): All Wal-Mart employees who worked at Walmart.com in an hourly Merchandise  
14 Assistant position in the State of California from May 8, 2005 up through and including February  
15 14, 2009.

16                   3.       The Court appoints, for settlement purposes, Sara Zinman as Class Representative.  
17                   4.       The Court appoints, for settlement purposes, Hoffman & Lazear as Class Counsel.  
18                   5.       The Court appoints Gilardi & Co. as the Claims Administrator.  
19                   6.       The parties are ordered to carry out the Settlement according to the terms of the  
20 Settlement.

21                   7.       The revised Settlement Allocation, attached hereto as Exhibit 1, is approved as a  
22 reasonable basis for the resolution of the claims of the Plaintiff and the absent class members.

23                   8.       The revised Class Notice, attached hereto as Exhibit 2, is approved with the  
24 modifications raised by the Court at the hearing and listed below:

1 a. In section V.A on page 5, the parties shall revise the sentence  
2 beginning “Ultimately . . . .” to read “Ultimately, a Settlement  
3 Class Member who submits an approved Claim Form . . . .”  
4 b. In section VIII, the parties shall omit “and recommended to the  
5 Court” from the first sentence.  
6 c. In section X on page 10, the parties shall insert following sentence:  
7  
8 “The address of the Clerk of the Court is 1301 Clay Street, Suite  
9 400-S, Oakland, CA 94612.”

10 9. The Class Notice, reflecting the additional changes listed in this Order, shall be  
11 sent to the Settlement Class Members according to the terms of the Settlement.

12 10. Class Counsel shall file its motion for attorneys’ fees and litigation costs on or  
13 before September 15, 2011.

14 11. The Motion for Final Approval shall be filed on or before December 22, 2011.

15 12. At or before the time of the filing of the Motion for Final Approval, the parties  
16 shall execute and file a brief addendum to the Settlement clarifying that the waiver of claims  
17 under the federal Fair Labor Standards Act, 29 U.S.C. §216(b), shall only occur if class members’  
18 file Opt-in and Claim forms, consenting to join in this matter.

19 13. The Court will conduct a Final Approval hearing on January 5, 2011, at 2:00 p.m.  
20 The Court expressly reserves the right to adjourn or continue the Final Approval Hearing without  
21 further notice to the Settlement Class Members.

22  
23 IT IS SO ORDERED.  
24  
25

26 Dated: August 30, 2011

  
27 HON. CLAUDIA WILKEN

28 United States District Judge