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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE ALBERTO FONSECA PINA and
ROGELIO VIGIL,

Plaintiffs,

v.

CON-WAY FREIGHT INC. and DOES 1
through 20, inclusive,

Defendants

Case No. C 10-00100

~~[PROPOSED]~~ **ORDER GRANTING AS MODIFIED
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT
AND VACATING HEARING SET FOR 10/28/2016
[MODIFIED PURSUANT TO THE
COURT'S ORDER REQUIRING
SUPPLEMENTAL BRIEFING]**

Date: October 28, 2016
Time: 9:00 a.m.
Ctrm. 5
Judge: Hon. Jeffrey S. White

The Court has considered plaintiffs' motion for preliminary approval, and the parties joint supplemental brief. The Court finds the motion suitable for disposition without oral argument, and it VACATES the hearing set for October 28, 2016.

1 ~~Plaintiffs Rogelio Vigil, Jose Alberto Fonseca Pina, and George A. Avila's~~
2 ~~("Plaintiffs") Motion for Preliminary Approval of Class Action Settlement came before this Court~~
3 ~~on October 28, 2016, the Honorable Jeffrey S. White presiding.~~ This Court, having considered

4 the papers submitted in support of the application of the parties, HEREBY ORDERS THE
5 FOLLOWING:

6 1. This Court grants preliminary approval of the Settlement and the Settlement Class
7 based upon the terms set forth in the Stipulation Of Class Action Settlement And Release between
8 Plaintiffs and Defendant Con-way Freight Inc. ("Settlement") filed herewith. The Settlement
9 appears to be fair, adequate and reasonable to the Class.

10 2. The Settlement falls within the range of reasonableness and appears to be
11 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
12 and final approval by this Court.

13 3. A final fairness hearing on the question of whether the proposed Settlement,
14 attorneys' fees and costs to Class Counsel, and the Class Representative Enhancement should be
15 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set in
16 accordance with the Implementation Schedule set forth below.

17 4. The Court approves, as to form and content, the Notice of Pendency of Class Action
18 ("Notice") and Claim Form, as modified by the Parties, attached as Exhibit B to the Parties' Joint
19 Supplemental Briefing on Motion for Preliminary Approval of Class Action Settlement. This
20 Court approves the procedure for Class Members to participate in, to opt out of, and to object to,
21 the Settlement as set forth in the Settlement and in the Modified Notice.

22 5. This Court directs the mailing of the Notice, and Claim Forms by first class mail to
23 the Class Members in accordance with the Implementation Schedule set forth below. This Court
24 finds the dates selected for the mailing and distribution of the Notice and the Claim Form, as set
25 forth in the Implementation Schedule, meet the requirements of due process and provide the best
26 notice practicable under the circumstances and shall constitute due and sufficient notice to all
27 persons entitled thereto.

28 6. It is ordered that the Class is confirmed certified for settlement purposes only.

1 7. This Court confirms (i) Plaintiffs Rogelio Vigil and Jose Alberto Fonseca Pina as
 2 class representatives; (ii) George A. Avila as a class representative for settlement purposes only;
 3 (iii) the Law offices of Westrup & Associates A.P.C., the Labor Law Office, APC, and Law Office
 4 of Jonathan C. Gettleman as Class Counsel; and (iv) the law firm of James Hawkins APLC as
 5 Class Counsel for settlement purposes only.

6 8. This Court confirms CPT Group as the Claims Administrator.

7 ~~9. To facilitate administration of the Settlement pending final approval, this Court
 8 hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits or
 9 administrative proceedings regarding claims released by the Settlement, unless and until such Class
 10 Members have filed valid Opt-Out Request with the Claims Administrator and the time for filing
 11 claims with the Claims Administrator has elapsed.~~

12 9. This Court orders the following Implementation Schedule for further proceedings:

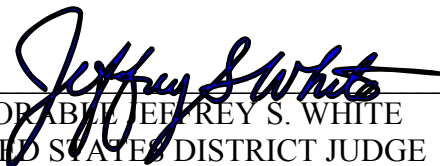
14	Deadline for Defendants to Submit Class Member Information to Claims Administrator	[Within 15 calendar days after Order granting Preliminary Approval]
17	Deadline for Claims Administrator to Mail the Notice and the Claim Form to Class Members	[Within 30 business days after Order granting Preliminary Approval]
20	Deadline for Receipt by Court and Counsel of any Objections to Settlement	[60 calendar days after mailing of the Notice and Claim Form to Class Members]
23	Deadline for Class Members to Postmark Opt-Out Requests	[60 calendar days after mailing of the Notice and Claim Form to Class Members]
26	Deadline for Class Members to Postmark Claim Forms	[60 calendar days after mailing of the Notice and Claim Form to Class Members]

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Deadline for Class Counsel to file Motion for Attorneys’ Fees, Costs and Enhancement Award	[21 calendar days before Deadline for Class Members to Postmark Opt-Out Requests]
Deadline for Class Counsel to file Motion for Final Approval of Settlement	[35 calendar days before Final Approval Hearing]
Deadline for Parties to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	[35 calendar days before Final Approval Hearing]
Final Fairness Hearing	Friday, March 24, 2017 at 9:00 a.m.
Deadline for Claims Administrator to mail the Settlement Awards and the Class Representative Enhancement, and to wire transfer the Attorneys’ Fees and Costs (if Settlement is Effective)	[No later than 30 business days after the Effective Date]

IT IS SO ORDERED.

Dated: October 24, 2016


 HONORABLE JEFFREY S. WHITE
 UNITED STATES DISTRICT JUDGE