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E-filed 4/27/10

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 7 LOCKHEED MARTIN CORPORATION

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 MAURICE B. DRISCOLL, MARCIANO
 12 C. CANATE, JR., DERRICK KIBLER,
 CHARLES E. KING, JR., EARL J.
 13 MALVINI, AND YVONNE E.
 SANCHEZ, Individually and on behalf of a
 14 Class and other similarly situated,
 15 Plaintiffs,
 16 v.
 17 LOCKHEED MARTIN CORPORATION,
 Does 1-10,
 18 Defendants

Case No. 09-CV-00439 RMW

**~~PROPOSED~~ ORDER GRANTING
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT, NOTICE TO
 CLASS AND SETTING OF HEARING FOR
 FINAL APPROVAL**

23
 Date: April 16, 2010
 Time: 9:00 a.m.
 Judge: Hon. Ronald M. Whyte
 Courtroom: 6, 4th Floor

1 The Joint Motion For Order (1) Conditionally Certifying Settlement Class; (2)
2 Preliminarily Approving Class Action Settlement; (3) Directing Distribution of Class Notice; and (4)
3 Setting Hearing for Final Approval of the Settlement (“Joint Motion”) came before this Court on
4 April 16, 2010, the Honorable Ronald M. Whyte presiding. The Court having considered the papers
5 submitted in support of the motion, HEREBY ORDERS THE FOLLOWING:

6 1. The Court grants preliminary approval of the Settlement and the Settlement
7 Class based upon the terms set forth in the Stipulation of Class Action Settlement (“Settlement
8 Agreement.”). The Settlement appears to be fair, reasonable and adequate to the Settlement Class.

9 2. The Court certifies for settlement purposes only the following Settlement
10 Class (“the Settlement Class”) pursuant to Federal Rules of Civil Procedure 23(a) and (b)(3) as
11 follows¹:

12 All persons who are employed or have been employed as hourly-paid
13 Plant Protection Officers by Lockheed Martin Corporation in the State
14 of California, who at any time from December 23, 2004 through the
15 date of preliminary approval of the settlement class, were not provided
16 an off-duty meal period after six (6) hours of work, and/or a second
17 off-duty meal period after ten (10) hours of work and were not
18 provided compensation of one (1) hour’s pay for each day on which
19 such meal period was not provided.

20 3. The Settlement falls within the range of reasonableness and appears to be
21 presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing
22 and final approval by this Court.

23 4. A Final Approval Hearing on the question of whether the proposed
24 Settlement, Attorneys’ Fees and Litigation Expenses to Class Counsel and the Class
25 Representatives’ Enhancement Payments (as defined in the Settlement Agreement) should be finally
26 approved as fair, reasonably and adequate as to the members of the class is scheduled for September
27 10, 2010 at 9:00 a.m..

28 5. The Court approves, as to form and content, the Notice to Class Members of
Pendency of Class Action, in substantially the form attached to the Declaration of Michelle B.
Heverly filed in support of the Joint Motion as Exhibit B. The Court also approves the procedure for

¹ The definitions of those proper terms used throughout this Order are contained in Paragraph 1 of the Settlement Agreement filed in conjunction with the Joint Motion.

1 Class Members to object to the Settlement set forth in the Notice to Class Members of Pendency of
2 Class Action.

3 6. The Court directs the mailing of the Notice to Class Members of Pendency of
4 Class Action by first class mail to the Class Members in accordance with the Settlement Agreement
5 and Implementation Schedule set forth below.

6 7. The Court finds that the dates selected for the mailing and distribution of the
7 Notice to Class Members of Pendency of Class Action, as set forth below, meet the requirements of
8 due process and provide the best notice practicable under the circumstances and shall constitute due
9 and sufficient notice to all persons entitled thereto.

10 8. The Court confirms Weinberg, Roger & Rosenfeld as Class Counsel.

11 9. The Court hereby appoints Simpluris, Inc. as the Claims Administrator

12 10. Individual Class Members may be heard at the Final Approval Hearing, either
13 personally or through their counsel, only if they serve on the Class Counsel and Counsel for
14 Defendant, on or before August 27, 2010, a written objection to the Settlement and/or a written
15 notice of their intention to appear at the Final Approval Hearing and file a proof of service with this
16 Court no later than 5 days prior to the Final Approval Hearing.

17 11. The Court orders the following Implementation Schedule for further
18 proceedings:

19 **IMPLEMENTATION SCHEDULE**

20 Deadline to mail Notice to Class Members of Pendency of Class Action Settlement	May 17, 2010
21 Deadline for Class Members to opt out or submit Settlement Estimate and Dispute Form	45 days after individual Notice to Class Members of Pendency of Class Action Settlement sent to Settlement Class Member
22 Deadline for submission of Objections to Class Action Settlement to Court	August 27, 2010
23 Deadline for filing Motion for Final Approval	August 6, 2010
24 Deadline for Claims Administrator to file Declaration of Compliance	August 26, 2010
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Final Approval Hearing	September 10, 2010
Deadline for Plaintiffs' Counsel to Submit an Application for Award of Attorneys' Fees and Litigation Expenses pursuant to Section 5.1 of the Stipulation of Class Action Settlement.	August 6, 2010

IT IS SO ORDERED.

Dated: 4/27/10

Ronald M. Whyte

 RONALD M. WHYTE, UNITED STATES
 DISTRICT COURT JUDGE

Approved as to Form:

Dated: March 12, 2010

//S// Emily P. Rich

 EMILY P. RICH
 WEINBERG, ROGER & ROSENFELD
 A Professional Corporation
 Attorneys for Plaintiffs

Dated: March 12, 2010

/s/ Todd K. Boyer

 TODD K. BOYER
 LITTLER MENDELSON
 A Professional Corporation
 Attorneys for Defendant

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