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Attorneys for Plaintiff MOHD AYUB KHAN

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 MOHD AYUB KHAN, an individual, on
 12 behalf of himself and on behalf of The State
 13 of California Labor and Workforce
 14 Development Agency as a Private Attorney
 15 General

Plaintiff,

vs.

16 FLEXTRONICS INTERNATIONAL USA,
 17 INC., A CALIFORNIA CORPORATION;
 18 and DOES 1 through 10, inclusive,

Defendants.

Case No.: 5:09-cv-05155-JF

[PROPOSED] ORDER

21 This matter coming before the Court on Joint Motion for Preliminary Approval of
 22 Class Action Settlement Agreement (the "Preliminary Approval Motion"), and after review
 23 and consideration of the Settlement Agreement, the papers in support of the Preliminary
 24 Approval Motion, and the arguments of counsel, and having been fully advised in its
 25 premises, IT IS HEREBY ORDERED as follows:

26 1. Pursuant to Rule 23 of the Federal Rules of Civil Procedure ("Rule 23") and
 27 Section 216(b) of the Fair Labor Standards Act ("Section 216(b)"), the proposed Settlement
 28 of this action, as embodied in the terms of the Settlement Agreement attached to the

1 Preliminary Approval Motion, is hereby preliminarily approved as a fair, reasonable, and
2 adequate settlement of this case in the best interests of the Settlement Class, in light of the
3 factual, legal, practical, and procedural considerations raised by this case. The Settlement
4 Agreement is incorporated by reference into this Order and is hereby preliminarily adopted
5 as an Order of this Court.

6 2. Solely for the purpose of Settlement, and pursuant to Rule 23 and Section
7 216(b), the Court hereby preliminarily certifies the following Class: Plaintiff Mohd Ayub
8 Khan and 26 other IT employees based in California and identified as

- 9 1. Bethancourt, Yvonne
- 10 2. Boewer, Georgiana
- 11 3. Bola, Gurpreet
- 12 4. Bondalapati, Padmalata
- 13 5. Celeste, Michael
- 14 6. Cervantes, Zoraida
- 15 7. Chiang, Shangwu
- 16 8. Crane, Edward
- 17 9. Dang, Dominic
- 18 10. Fitzgerald, Mark
- 19 11. Flowers, Benjamin
- 20 12. Frost, Nancy A
- 21 13. Gomez Zuazo, Glen
- 22 14. Khan, Mohd Ayub
- 23 15. Konopka, Caldonia
- 24 16. Lee, Jeffrey
- 25 17. Ly, Suong
- 26 18. Mutte, Nirmala
- 27 19. Ng, Lee-Chiang
- 28 20. Peronto, David Allen

- 1 21. Robillo, Albert
- 2 22. Romero, Richard
- 3 23. Tanhueco, Agnes
- 4 24. Tedesco, Michael
- 5 25. Wang, Andy
- 6 26. Wang, Pei-Yun
- 7 27. Webb, Benjamin

8 who Defendant has agreed to reclassify as non-exempt upon final approval of this
9 settlement agreement.

10 3. The Court finds that certification of the Settlement Class solely for purposes
11 of Settlement is appropriate in that: (a) the Settlement Class Members are so numerous
12 that joinder of all Settlement Class Members is impracticable; (b) there are questions of
13 law and fact common to the Settlement Class which predominate over any individual
14 questions; (c) claims of the named Plaintiff are typical of the claims of the Settlement
15 Class; (d) the named Plaintiff and class counsel have fairly and adequately represented
16 and protected the interests of the Settlement Class; and (e) a class action is superior to
17 other available methods for the fair and efficient adjudication of the controversy.

18 4. The Court hereby preliminarily appoints the Plaintiff as Representative of the
19 Class and finds that he meets the requirements of Rule 23 and Section 216(b).

20 5. The Court preliminarily appoints the following lawyers as counsel to the
21 Settlement Class, and finds that counsel meets the requirements of Rule 23 and Section
22 216(b):

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1 6. The Court finds that the Settlement Agreement’s plan for class notice is the
 2 best notice practicable under the circumstances and satisfies the requirements of due
 3 process, Rule 23 and Section 216(b) . That plan is approved and adopted. This Court
 4 further finds that the Notice of Class and Collective Action Settlement (the “Class Notice”)
 5 comply with Rule 23(c)(2) and Rule 23(e) and Section 216(b), are appropriate as part of the
 6 Notice Plan, and are approved and adopted.

7 7. Within 21 days after it receives actual or constructive notice of the entry of
 8 this order, Defendant shall send the Initial Mailing—including the Class Notice and Opt-out
 9 Form—to each individual in the Class. The Class Notice will be mailed via first class mail.

10 8. The Court finds and orders that no other notice is necessary.

11 9. To effectuate the settlement, the Court hereby establishes the following
 12 deadlines and dates for the acts and events set forth in the Settlement Agreement, and
 13 directs the parties to incorporate the deadlines and dates in the Notice and required forms:

15 Deadline for Defendants to provide to Claims Administrator a database of all putative Class Members, including names, job titles, last known addresses, and social security numbers	Within 5 days after preliminary Court approval
16 Deadline for mailing of Class notices by Claims Administrator	Within 10 days after receipt of the database information from Defendant
17 Last day for Class Members to submit claim forms or opt out of the Settlement or to submit written objections to the Settlement	Within 60 days after the date of initial mailing of Class Notice
18 Last day for the Claims Administrator to submit a list of timely, non-fraudulent claims to Defendants and the amount to be paid to each claimant	10 days after the expiration of the Opt Out deadline
19 Last day for filing and service of moving papers in support of final settlement approval and request for attorneys’ fees and costs	30 days after the last day for the Claims Administrator to submit a list of timely, non-fraudulent claims forms to Defendant and the amount to be paid to each
20 Last day for Defendants to provide the Court with a declaration by the Claims Administrator specifying the due diligence it has undertaken with regard to the mailing of the notice	At least 15 days prior to the final Settlement approval hearing

1 2 3 4	Final Settlement approval hearing	No earlier than 60 days following entry of Court's preliminary approval. No later than 30 days after filing of notice of moving papers in support of final settlement approval
5 6	Last day for Defendant to mail payments to the Class Members who have timely filed claim forms	30 days following the Effective Settlement Date
7 8	Last day for Defendant to mail payment for attorneys' fees and costs to Class Counsel	14 calendar days following the Effective Settlement Date

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10 10. The fairness hearing and hearing for Final Approval set forth in the Notice is
11 hereby scheduled for November 5, 2010

12 IT IS SO ORDERED.

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15 August 30
16 DATED: July____, 2010

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Hon. JEREMY FOGEL.
UNITED STATES DISTRICT JUDGE