

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NELSON GONZALEZ VILLA, on behalf of himself and all others similarly situated,)	Case No.: 12-CV-00318-LHK
)	
Plaintiff,)	ORDER CONTINUING HEARING ON
v.)	MOTION FOR PRELIMINARY
)	APPROVAL OF SETTLEMENT
UNITED SITE SERVICES OF CALIFORNIA, INC.,)	
)	
Defendant.)	

The Court held a hearing on the parties' Joint Motion for Preliminary Approval of Settlement, ECF No. 167, on October 23, 2013. This hearing is hereby CONTINUED to November 26, 2013, at 2 p.m. The Court shall defer ruling on the Joint Motion for Preliminary Approval until that time.

There are several revisions the parties shall make before the Court preliminarily approves the class settlement. Among the revisions, the parties shall:

- 1) Clarify which forms go to which Class Member;
- 2) Clarify and simplify the forms;
- 3) Define "Rule 23 class" in the Stipulation of Settlement;

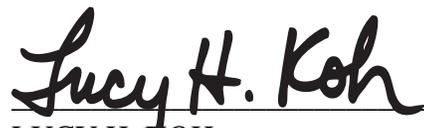
- 1 4) In defining “Opt-in Plaintiff” in the Stipulation of Settlement, include the class the
- 2 Court conditionally certified for collective action under FLSA §216(b) on November
- 3 13, 2012, ECF No. 120, with the qualification that the class member opted in;
- 4 5) Appoint a third party as the Settlement Administrator;
- 5 6) Ensure that the retention periods are consistent throughout and within all the documents;
- 6 7) Clarify what Rule 23 Class Members and Opt-in Plaintiffs must do to obtain their
- 7 Settlement Share;
- 8 8) Clarify whether Rule 23 Class Members and Opt-in Plaintiffs have 30 or 60 days to
- 9 mail their forms to approve the Settlement, object to the Settlement, or opt out of the
- 10 Settlement;
- 11 9) Ensure that the operative date is when the Class Member mails the forms, not when the
- 12 Settlement Administrator receives the forms;
- 13 10) Clarify in the Stipulation of Settlement whether the notice is attached as Exhibit A, B,
- 14 and/or D. In Stipulation of Settlement V.B.1, it provides that “the Settlement
- 15 Administrator . . . will mail . . . the Notice attached as Exhibit B and D to all Opt-Ins
- 16 and Rule 23 Settlement Class Members[.]” However, under “Definitions,” “Notice” is
- 17 attached as Exhibit A. Stipulation of Settlement I.K; and
- 18 11) Translate the Stipulation of Settlement, Notice, and related forms in Spanish.

19 Accordingly, the parties shall file revised Stipulation of Settlement, Notice, and related
20 forms by November 8, 2013.

21 Further, although this issue was not raised during the hearing, the Court is skeptical of
22 attorney’s fees requests that are vastly greater than the class members’ recovery.

23 **IT IS SO ORDERED.**

24
25 Dated: October 23, 2013

26 
27 LUCY H. KOH
28 United States District Judge