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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LINDA JACOB and
CHRISTOPHER WATSON,
individuals, on behalf of themselves,
and on behalf of all persons similarly
situated,

Plaintiffs,

vs.

PRIDE TRANSPORT, INC., a
Corporation; Does 1 through 50,
Inclusive,

Defendants.

CASE NO. 5:16-CV-06781-BLF

Assigned to: Hon. Beth Labson Freeman

~~PROPOSED~~ ORDER:

- (1) GRANTING PRELIMINARY
APPROVAL OF SETTLEMENT;**
- (2) APPROVING CLASS NOTICE
AND RELATED MATERIALS;**
- (3) APPOINTING SETTLEMENT
ADMINISTRATOR; AND**
- (4) SCHEDULING FINAL
APPROVAL HEARING**

1 On September 28, 2017, a hearing was held on the motion of Plaintiffs
2 Linda Jacob and Christopher Watson (“Plaintiffs”) for preliminary approval of the
3 parties’ proposed settlement (“Settlement”), approval of the class notice, and the
4 setting of a date for the hearing on final approval of the settlement. Blumenthal,
5 Nordrehaug & Bhowmik appeared for Plaintiffs, and Littler Mendelson, P.C.
6 appeared for Defendant Pride Transport, Inc. (“Defendant”).

7 The Court having read and considered the papers, the arguments of
8 counsel, and the law, **IT IS ORDERED:**

9 1. This Order incorporates the defined terms in the Joint Stipulation of
10 Class Action Settlement and Release (the “Agreement”) (Declaration of Norman
11 Blumenthal [“Nordrehaug Decl.”], Exh. 1).

12 2. Pursuant to the Agreement, the following Class is conditionally
13 certified for settlement purposes: “All current and former truck drivers who are or
14 were employed as truck drivers by Defendant at any time during the period from
15 May 31, 2012, to December 28, 2016, who performed any work in California and
16 who were paid on the basis of activity-based work.”

17 3. The parties’ Agreement is granted preliminary approval as it meets the
18 criteria for preliminary settlement approval. The Settlement falls within the range
19 of possible approval as fair, adequate and reasonable, and appears to be the product
20 of arm’s-length and informed negotiations and to treat all Class Members fairly.
21 Continued litigation would have been expensive for both sides. The parties
22 acknowledge that litigating and trying this action may have resulted in delay of any
23 recovery, involved significant risk as to liability and certification, and led to
24 possible appeals. Class Counsel received the relevant information for the Class.
25 Plaintiffs have adequately demonstrated that the agreement to settle did not occur
26 until Class Counsel possessed sufficient information to evaluate the case and make
27 an informed decision about settlement.
28

1 4. The parties' proposed notice plan is constitutionally sound because
2 individual notices will be mailed to all class members whose identities are known
3 to the parties, and such notice is the best notice practicable. The parties' proposed
4 Notice of Pendency of Class Action and Claim Correction Form ("Notice")
5 attached to the Agreement as Exhibit A, sufficiently informs Class Members of the
6 terms of the Settlement, their rights under the Settlement, their rights to object to
7 the settlement, their right to receive an Individual Class Member Payment or elect
8 not to participate in the Settlement, and the processes for doing so, and the date and
9 location of the final approval hearing, and therefore are all approved. **Class**
10 **Counsel will make the minor modifications to the Notice discussed and agreed**
11 **upon at the preliminary approval hearing to clarify that Class Members may**
12 **choose to opt out and bring individual actions at their own expense.**

13 5. Any Class Member who does not submit a valid request for exclusion
14 will receive an Individual Class Member Payment based upon the allocation
15 formula in the Agreement.

16 6. Any Class Member who wishes to comment on or object to the
17 Settlement, the attorneys' fees and costs, and/or the proposed Class Representative
18 Service Payments, or who elects not to participate in the Settlement has until 45
19 days after the mailing of the Class Notice to submit his or her comment, objection,
20 or request for exclusion in Settlement pursuant to the procedures set forth in the
21 Class Notice. Class Counsel must file their application for the attorneys' fees and
22 costs no later than 14 days prior to the end of the objection period, and the
23 application will be heard at the Final Approval Hearing

24 7. Simpluris is appointed to act as the Claims Administrator, pursuant to
25 the terms set forth in the Settlement. Blumenthal, Nordrehaug & Bhowmik are
26 approved as Class Counsel and Linda Jacob and Christopher Watson are approved
27 as the representatives of the Class
28

1 8. Defendant is directed to provide the Claims Administrator the Class
2 Data as specified by the Agreement no later than 15 days after the date of this order.

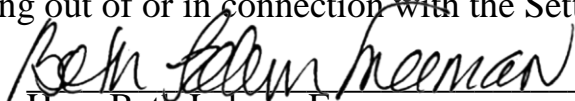
3 9. The Settlement Administrator is directed to mail the approved Class
4 Notice by first-class mail to the Class Members no later than 30 days after the date
5 of this order.

6 10. A final hearing will be held on February 22, 2018, at 1:30 p.m., to
7 determine whether the Settlement should be granted final approval as fair,
8 reasonable, and adequate as to the Class Members. The Court will hear all
9 evidence and argument necessary to evaluate the Settlement, and will consider the
10 request for approval of attorneys' fees and costs and for approval of the Class
11 Representative Service Payments. Class Members and their counsel may support or
12 oppose the Settlement and the motion for an award of attorneys' fees and costs and
13 the Enhancement Awards, if they so desire, as set forth in the Notice.

14 11. Any Class Member may appear at the final approval hearing in person
15 or by his or her own attorney, and show cause why the Court should not approve
16 the Settlement, or object to the motion for an award of attorneys' fees and costs and
17 the Service Awards. For any written comments or objections to be considered at
18 the hearing, the Class Member must file comments with the Clerk of Court and
19 serve on all counsel and describe the nature of the Class Member's comments,
20 support or objection. Written comments or objections to the Settlement or to the
21 attorneys' fees and costs must be filed with the Court and served on counsel not
22 later than 45 days after mailing of the Notice.

23 12. The Court reserves the right to continue the date of the final approval
24 hearing without further notice to Class Members. The Court retains jurisdiction to
25 consider all further applications arising out of or in connection with the Settlement.

26 Dated: October 17, 2017__


Hon. Beth Labson Freeman
U.S. District Court Judge