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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

VINCENT BOVA, an individual; on behalf of himself, and on behalf of all persons similarly situated,	)	Civil No. 07cv2410 AJB (JMA)
	)	ORDER GRANTING PRELIMINARY
Plaintiff,	)	APPROVAL OF CLASS AND
v.	)	COLLECTIVE ACTION SETTLEMENT
	)	[Doc. No. 92]
JPMORGAN CHASE BANK, N.A., solely and exclusively as successor to WASHINGTON MUTUAL BANK and Does 1 to 10,	)	
	)	
Defendants.	)	

The Court has heard a motion by Plaintiff VINCENT BOVA ("Plaintiff" or "Class Representative") for preliminary approval of a proposed class and collective action settlement. Defendant JPMORGAN CHASE BANK, N.A., as acquirer of certain assets and liabilities of WASHINGTON MUTUAL BANK ("WMB") from the Federal Deposit Insurance Corporation ("FDIC"), acting as receiver (hereinafter, "Defendant") filed a Notice of Non-Opposition to the motion. The Court has considered the Joint Stipulation and Settlement Agreement ("Stipulation") and the proposed Notice Regarding Pendency of Class Action ("Class Notice") and attached exhibits, and the submissions of counsel, and hereby finds and orders as follows:

1. The Court finds that the settlement memorialized in the Stipulation filed with the Court falls within the "range of reasonableness" and therefore approves the settlement on a preliminary basis.

1 2. Pursuant to Fed. R. Civ. P. 23(b)(3), the Court conditionally certifies, for settlement purposes  
2 only, the following class ("Class"): All individuals who were employed by Washington Mutual Bank's  
3 Home Loans or Home Loans and Insurance Services group as Wholesale Underwriters or Senior  
4 Wholesale Underwriters in the State of California between December 26, 2003 and September 30, 2008,  
5 who did not sign a severance agreement, and who have not had their claims adjudicated in another  
6 forum.

7 3. Pursuant to 29 U.S.C., section 216(b), the Court further conditionally certifies, for settlement  
8 purposes only, the following collective action ("Collective Action"): All individuals who were  
9 employed by Washington Mutual Bank's Home Loans or Home Loans and Insurance Services group as  
10 Wholesale Underwriters or Senior Wholesale Underwriters in the State of California between December  
11 26, 2004 and September 30, 2008, who did not sign a severance agreement, and who have not had their  
12 claims adjudicated in another forum.

13 4. This Order, which conditionally certifies a class and collective action for settlement purposes  
14 only, shall not be cited in any matter for the purpose of seeking class or collective action certification or  
15 class or collective action notice.

16 5. The Court appoints, for settlement purposes only, Vincent Bova as the representative for both the  
17 Class and the Collective Action.

18 6. The Court appoints, for settlement purposes only, the law firm of Blumenthal, Nordrehaug, and  
19 Bhowmik as Class Counsel.

20 7. The Court appoints Gilardi and Company as the Claims Administrator for both the Class and the  
21 Collective Action.


22 8. Plaintiff shall have leave to file the Fifth Amended Complaint in the form attached to the  
23 Stipulation as Exhibit 3.

24 9. The Court has reviewed the methodology for the allocation of settlement proceeds, and finds  
25 such methodology to be fair and reasonable, and thus approves such allocation on a preliminary basis.  
26 The Court further approves the issuance of notice in the form proposed by counsel, entitled Notice to  
27 Class Members Regarding Pendency of a Class and Collective Action and Notice of Hearing on  
28 Proposed Settlement.

1 10. The Court will hold a Final Approval Hearing on the fairness and adequacy of the proposed  
2 Settlement, the plan of distribution, Class Counsel's request for attorneys' fees and costs, the administra-  
3 tive costs, and the enhanced awards to the Class Representative on October 14, 2011 at 1:30 p.m. in  
4 Courtroom 12 of the United States District Court, Southern District of California, located at 940 Front  
5 Street, San Diego, CA 92101.

6 IT IS SO ORDERED.

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8 DATED: April 29, 2011

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11 Hon. Anthony J. Battaglia  
12 U.S. District Judge  
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