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10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

13 BROOKE CARDOZA, Individually and On
 14 Behalf of All Others Similarly Situated, et al.,

15 Plaintiffs,

16 v.

17 BLOOMIN’ BRANDS, INC., et al.,

18 Defendants.

CASE NO. 2:13-cv-01820-JAD-(NJK)

19 **STIPULATION AND ~~[PROPOSED]~~ ORDER**
TO MODIFY THE OPT-IN PLAINTIFF,
LATE OPT-IN PLAINTIFF CLASS LIST, AND
NOTICE DEADLINES IN THE
PRELIMINARY APPROVAL ORDER

(FIRST REQUEST)

Action Filed: October 4, 2013

21 WHEREAS, on April 11, 2016, the Court granted Plaintiffs’ Motion for Preliminary
 22 Approval FLSA Class Settlement (ECF No. 428);

23 WHEREAS, pursuant to the Court’s Order Granting Preliminary Approval of the Class
 24 Settlement (“Preliminary Approval Order,” ECF No. 430), Plaintiffs were required to provide certain
 25 information regarding Opt-In Plaintiffs and the Late Opt-In Plaintiffs by April 18, 2016 (collectively,
 26 the “Plaintiffs’ Opt-In Lists”) so that Defendants could identify the Plaintiffs and the Late Opt-In
 27

1 Plaintiffs and prepare Opt-In Plaintiff and Late Opt-In Plaintiff class lists for the Claims
2 Administrator;

3 WHEREAS, pursuant to the Preliminary Approval Order, Defendants must produce the Opt-
4 In Plaintiff and Late Opt-In Plaintiff class lists by May 11, 2016 (ECF No. 430);

5 WHEREAS, Plaintiffs sent the required information for the Opt-In Plaintiffs on April 26,
6 2016, and the information for the Late Opt-In Plaintiffs on April 27, 2016;

7 WHEREAS, Defendants had nine fewer days to prepare the Opt-In Plaintiff and Late Opt-In
8 Plaintiff class lists because they did not timely receive Plaintiffs' Opt-In Lists;

9 WHEREAS, in order for Defendants to prepare the Opt-In Plaintiff and Late Opt-In Plaintiff
10 class lists, they must match the individuals in 9,698 entries on Plaintiffs' Opt-In Lists with current
11 and former employees in their own records;

12 WHEREAS, Defendants' preparation of the Opt-In Plaintiff and Late Opt-In Plaintiff class
13 lists is more labor intensive than originally anticipated because Defendants have encountered
14 difficulties in matching the individuals listed on Plaintiffs' Opt-In Lists with employees in their own
15 records because of issues such as differences in first names used, misspellings of names, and the
16 inclusion of individuals who do not appear to be current or former employees;

17 WHEREAS, counsel for Plaintiffs and Defendants have met and conferred regarding an
18 extension of Defendants' deadline to produce the Opt-In Plaintiff and Late Opt-In Plaintiff class lists
19 from May 11, 2016, to May 24, 2016;

20 WHEREAS, pursuant to the Preliminary Approval Order, the Claims Administrator must mail
21 the Notice of Class Action Settlement for the Settlement Class Members by June 1, 2016;

22 WHEREAS, the Claims Administrator would need an additional week, until June 8, 2016, to
23 prepare the mailing of Notice of Class Action Settlement to the Settlement Class Members due to an
24 extension of Defendants' deadline to produce the Opt-In Plaintiff and Late Opt-In Plaintiff class lists
25 to May 24, 2016; and,

26 WHEREAS, Plaintiffs and Defendants have determined that the requested extensions of
27 Defendants' deadline to produce the Opt-In Plaintiff and Late Opt-In Plaintiff class lists and to the
28 Claims Administrator's deadline to mail the Notice of Class Action Settlement to the Settlement

1 Class Members would not require a modification of any other dates or deadlines in the Preliminary
2 Approval Order, including the deadline for Plaintiffs' motion for final approval of class settlement
3 and the Final Fairness/Approval Hearing set for November 4, 2016.

4 THEREFORE, Plaintiffs and Defendants, through the undersigned counsel of record, stipulate
5 and request that the Court modify the Preliminary Approval Order as follows:

6 1. The deadline for the Defendants to provide the Claims Administrator with class lists
7 for the Opt-In Plaintiffs and Late Opt-In Plaintiffs will be May 24, 2016;

8 2. The deadline for the Claims Administrator to mail the Notice of Class Action
9 Settlement to Settlement Class Members will be June 8, 2016.

10 Dated: May 6, 2016

GIBSON, DUNN & CRUTCHER LLP

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17 *Attorneys for Defendants Bloomin' Brands,
18 Inc.; OSI Restaurant Partners, LLC;
19 Outback Steakhouse of Florida, LLC; OS
20 Restaurant Services, LLC*

21 Dated: May 6, 2016

WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP

22 By: /s/ Justin C. Jones

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Attorneys for Plaintiffs

ORDER

28 **IT IS SO ORDERED.**

Dated: May 10, 2016


UNITED STATES DISTRICT COURT JUDGE