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5		THE HONORABLE JOHN C. COUGHENOUR
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7	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON	
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9	CHRISTINA PASCUAL, on her own behalf	CLASS ACTION
10	and on behalf of a class of similarly situated employees of Defendant,	CASE NO. C15-1923-JCC
11	Plaintiffs,	ORDER PRELIMINARILY
12	v.	APPROVING CLASS ACTION SETTLEMENT, AUTHORIZING
13	ZIRX CONSUMER SERVICES, INC., a California corporation,	NOTICE, AND SETTING FAIRNESS HEARING
14	Defendant.	
15	This matter comes before the Court on the parties' stipulated motion for certification for	
16 17	settlement purposes, preliminary approval of class action settlement, authorization of notice, and	
17	a fairness hearing (Dkt. No. 35). Having thoroughly considered the parties' briefing and the	
10 19	relevant record, the Court hereby GRANTS the motion. The Court FINDS and ORDERS that:	
	1. The proposed settlement (the Settlement) appears to be fair, reasonable, and	
20 21	adequate, and a fairness hearing should be held after notice of the Settlement is disseminated to	
21	the Class to finally determine whether the Settlement is fair, reasonable, and adequate.	
22 23	2. For the purpose of the Settlement only, the conditional certification of the Class is	
23 24	appropriate because (a) the Class is ascertainable and sufficiently numerous. (b) a well-defined	
2 <del>4</del> 25	community of interest exists, and (c) there are substantial benefits from certification that render	
23 26	proceeding on a class-wide basis superior to any	alternatives.

ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT- 1 BN 28356577v2

1	3. The Court preliminarily finds that: (a) the terms of the Settlement appear to be fair	
2	and reasonable to the Class when balanced against the probable outcome of further litigation	
3	relating to class certification, liability and damage issues, and potential appeals; (b) Class Counsel	
4	is experienced in wage-and-hour class action litigation; (c) significant investigation was	
5	undertaken, and significant information was exchanged, enabling the parties to reasonably	
6	evaluate one another's positions; (d) approving the Settlement will avoid the substantial costs,	
7	delay, and risks that would be presented by further litigation; and (e) the Settlement's terms were	
8	the result of intensive, serious, and non-collusive negotiations between the parties. Accordingly,	
9	the Settlement falls within the range of possible approval and meets the requirements for	
10	preliminary approval.	
11	4. The following Class is conditionally certified for the purpose of the Settlement	
12	only: All persons who entered into independent contract agreements with Zirx Consumer	
13	Services, Inc. and worked as a parking agent more than 40 hours in any work week during the	
14	period of June 1, 2015 through October 31, 2015.	
15	5. Connor & Sargent PLLC is conditionally appointed as Class Counsel.	
16	6. Christina Pascual is conditionally appointed as Class Representative.	
17	7. Settlement Services, Inc. is conditionally appointed as Settlement Administrator.	
18	8. The claim form and class notice (collectively, the Notice Packet) contemplated by	
19	the Settlement is conditionally approved as to form and content. The Notice Packet is attached as	
20	Exhibits 1 and 2 to the Settlement. The Notice Packet and the notification procedures	
21	contemplated by the Settlement constitute the best notice practicable under the circumstances and	
22	are in full compliance with the laws of the United States and the State of Washington (to the	
23	extent applicable) and the requirements of due process. The Notice appears to fully and	
24	accurately inform Class Members of all material terms of the Settlement, including the manner in	
25	which Settlement payments will be calculated; the procedure for filing claims (through the use of	
26	the claim form); and the right to object, and procedure for objecting, to the Settlement.	

## ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT- 2

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The dates for performance are as follows:

(a) No later than two weeks after the Class is preliminarily approved,
Defendant shall provide the Settlement Administrator with a list of all Class Members (the Class
List), which will include their names, social security numbers, last-known email addresses, lastknown postal addresses, last-known telephone numbers, overtime hours, and calculated
Settlement award.

(b) No later than two weeks after receiving the Class List, the Settlement
Administrator shall send Notice Packets to the Class Members using the procedures provided in
the Settlement, and shall post the notice, the claim form, the complaint, the stipulated motion and
related papers, the Settlement, and this order on its website.

(c) Class Members shall have until 45 calendar days after the Settlement
Administrator first sends Notice Packets—extended by the periods set forth in the Settlement—to
submit claim forms to the Settlement Administrator. To be considered valid, a submitted claim
form must include the Class Member's name and it must be signed and dated and either
postmarked or e-mailed to the Settlement Administrator prior to the 45-day deadline.

(d) Class Members shall have until 45 calendar days after the Settlement
Administrator first sends Notice Packets—extended by the periods set forth in the Settlement—to
submit to the Court any objections and notices of intention to appear at the fairness hearing.

(e) The fairness hearing will be held on Tuesday, August 22, 2017, at 9:00
a.m. in the undersigned's courtroom, Suite 16206, of the United States District Court, Western
District of Washington.

(f) No later than 45 days before the fairness hearing, Plaintiff shall move for
final approval of the Settlement and for approval of any fee and expense award, as well as any
incentive payment.

(g) No later than seven days prior to the fairness hearing, Plaintiff shall file a
reply in support of the motions for final approval of the Settlement, attorney fees and expenses,

ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT- 3

and incentive fees. Plaintiff and Defendant must also respond to any comments or objections to the Settlement by this time.

10. Other than the proceedings contemplated herein, all discovery and other proceedings in this lawsuit are STAYED until further order of the Court. Through and including the date set for the fairness hearing, and to facilitate the administration of the Settlement, the Court preliminarily ENJOINS all Class Members from filing or prosecuting any claims, suits, or administrative proceedings for any of the released claims against any of the released parties under the Settlement. 

DATED this 25th day of April, 2017.

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John C. Coughenour UNITED STATES DISTRICT JUDGE