

1 HONORABLE ROBERT S. LASNIK
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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ELI BICKERTON,
9 Plaintiff,
10 v.
11 HYATT CORPORATION, et al.,
12 Defendant.

Case No. C20-397RSL
ORDER GRANTING
PLAINTIFF'S UNOPPOSED
MOTION FOR
PRELIMINARY APPROVAL
OF CLASS ACTION
SETTLEMENT

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15 This matter comes before the Court on plaintiff's unopposed "Motion for Preliminary
16 Approval of Class Action Settlement" (Dkt. # 36). Based upon the memoranda, exhibits, and all
17 the files and proceedings herein, the Court finds as follows:

18 1. The Court grants preliminary approval of the Parties' Settlement on the terms set forth
19 in the Settlement Agreement filed with the Motion and attached as Exhibit 1 to the Declaration
20 of Craig J. Ackermann in support of the Motion (Dkt. # 37-1).

21 2. The terms set forth in the Settlement Agreement appear to be fair, adequate and
22 reasonable to the Class, and the Court preliminarily approves the terms of the Settlement
23 Agreement, including terms providing for:

- 24 a. A Total Settlement Amount¹ of \$1,028,000;
25 b. Payment from the Total Settlement Amount of

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27 ¹ Unless otherwise defined in this Order, capitalized terms have the same meaning as defined in
28 the Settlement Agreement ("S.A.").

- (i) Class Counsel attorneys' fees of 25% of the Total Settlement Amount (\$257,000);
- (ii) an award of costs to Class Counsel, not to exceed \$20,000;
- (iii) a Class Representative Service Award to the named Plaintiff, not to exceed \$15,000; and
- (iv) the Settlement Administrator's actual fees and expenses (estimated to be \$20,000).

c. Allocation of the Net Settlement Amount (the Total Settlement Amount less the deductions provided for above) to Settlement Class Members based on their pro rata share, and the calculation and payment of Individual Settlement Payments as provided for in paragraph 7.5.2 of the Settlement Agreement.

12 3. The Court grants the Parties' request for certification of the following Settlement Class
13 under Rule 23(b)(3) for the sole and limited purpose of implementing the terms of the
14 Settlement Agreement, subject to this Court's final approval:

All individuals who resided in Washington State and who were employed at Hyatt Regency Seattle, Grand Hyatt Seattle, Hyatt at Olive 8 or Thompson Seattle by one or more Released Parties on an hourly basis, at any time from February 11, 2017 through April 22, 2022 (collectively, “Class Members”).

19 4. The Court preliminarily appoints Plaintiff's counsel, Craig Ackermann and Brian
20 Denlinger of Ackermann & Tilajef, P.C. and India Lin Bodien of India Lin Bodien, Attorney at
21 Law, as Class Counsel for the Settlement Class, and Plaintiff Eli Bickerton as Class
22 Representative for the Settlement Class.

23 5. This Court approves, as to form and content, the Notice of Class Action Settlement
24 ("Class Notice"), in substantially the form attached to the Settlement Agreement as Exhibit A.
25 The Court approves the procedure for Class Members to opt out of, and to object to, the
26 Settlement as set forth in the Settlement Agreement and the Class Notice.

6. The Court confirms CPT Group, Inc. as the Settlement Administrator.

1 7. The Court directs the mailing of the Class Notice by first class mail to the Class
 2 Members in accordance with the schedule set forth below with the following modification: the
 3 initial sending of the Notice and Opt-Out Request forms to the Settlement Class Members
 4 should occur not only via U.S. Mail, but also via email to personal email address, where such
 5 personal email addresses are available. The Court finds the dates selected for the mailing and
 6 distribution of the Class Notice, as set forth below, meet the requirements of due process and
 7 provide the best notice practicable under the circumstances, and shall constitute due and
 8 sufficient notice to all persons entitled thereto.

9 8. The Court adopts the following dates and deadlines:

Time	Event
Within 30 calendar days after the Court grants preliminary approval of the Settlement	Defendant to provide the class list and class data to the Settlement Administrator. (S.A., ¶ 5.3)
Within 45 calendar days after the Court grants preliminary approval of the Settlement.	Settlement Administrator to mail and email the Class Notices to Class Members. (S.A., ¶ 5.4).
45 calendar days after Class Notice mailing date (the “Consideration Period”)	Deadline for Class Members to submit a written Request for Exclusion, to challenge their workweeks data used to calculate Individual Settlement Payments, and/or to file an objection to the Settlement. (S.A., ¶¶ 1.10, 6.1-6.3)
Within 14 days after the expiration of the Consideration Period Settlement	Administrator will prepare a declaration to submit to the Court regarding responses to the Notice of Settlement, including such information as any inability to deliver mailings because of invalid addresses, the number of any Requests for Exclusion, and the number of any Objections. (S.A., ¶ 6.4)

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 26 9. Class Counsel shall file a memorandum of points and authorities in support of their
 27 motion for approval of attorneys' fees, litigation expenses, and class representative award no
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1 later than January 19, 2023. This motion shall be noted for hearing on Date of Final Approval
2 Hearing.

3 10. Class Counsel shall file a memorandum of points and authorities in support of the
4 final approval of the Settlement Agreement no later than March 16, 2023. This motion shall be
5 noted for hearing on Date of Final Approval Hearing.

6 11. A Final Approval Hearing on the question of whether the proposed Settlement,
7 including the proposed attorneys' fees and cost reimbursement to Class Counsel, the Class
8 Representative Service Award to Plaintiff, allocation and distribution of the Net Settlement
9 Amount to Settlement Class Members, and the binding effect of the releases set forth in the
10 Settlement Agreement and Class Notice, should be finally approved as fair, reasonable and
11 adequate as to the members of the Settlement Class and is scheduled for April 27, 2023 at 11:00
12 a.m.

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14 IT IS SO ORDERED.

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16 DATED this 21st day of November, 2022.

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20 Robert S. Lasnik
21 United States District Judge

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APPROVAL OF CLASS ACTION SETTLEMENT - 4