

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
District Judge S. Kato Crews

Civil Action No. 1:25-cv-00639-SKC-KAS

DAVID LOPEZ ALZUARTE, *individually and on behalf of those similarly situated*,

Plaintiff,

v.

BROWN BROTHERS ASPHALT & CONCRETE, LLC, *et al.*,

Defendants.

ORDER

Before the Court is Plaintiff's Unopposed Motion for Preliminary Approval of the Class Settlement. Dkt. 41. Specifically, Plaintiff requests the Court enter an order (1) granting preliminary approval of the settlement; (2) certifying the Class for the purpose of the settlement pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(3); (3) ordering the Settlement Administrator to direct and issue notice to the Class under the terms of the Settlement Agreement; (4) appointing David Lopez AlzuarTE as Class Representative for the purpose of the settlement; (5) appointing J. Gerard Stranch, IV, Raina C. Borrelli, Lynn A. Toops, and Ian R. Bensberg, as class counsel; and (6) entering the proposed settlement schedule. *Id.* at pp.1–2.

Having reviewed the Motion and corresponding materials, noting that Defendant does not oppose the Motion, and being otherwise informed, the Court GRANTS the Motion as follows:

1. Plaintiff's Unopposed Motion for Preliminary Approval is granted. The settlement is within range of final approval, and it appears fair, reasonable, and adequate.
2. Moreover, the Notice Program is the best practical notice under the circumstances. The Notice Program includes multiple forms of notice.
3. The Court conditionally certifies a class of "all employees of Defendants who were terminated pursuant to a mass layoff or plant closing (as those terms are defined in the WARN Act) within 90 days of December 6, 2024."
4. Though the exact size of the class will be determined by the Settlement Administrator after it duplicates the Class List, the Class is expected to exceed 112 persons, easily satisfying the numerosity requirement.
5. Given the size of the Class, joinder of all affected people would be impractical, thus also making the class action the superior method of adjudication in this case.
6. Moreover, there are plenty of common questions of law and fact, as the proposed class members' claims arise under the same termination from the same facility that Plaintiff alleges was a violation of the WARN Act.

7. Furthermore, Class Counsel and the named Plaintiff adequately represent the Class. They all have common interests with the absent class members, Class Counsel has attested that the named Plaintiff has prosecuted this action admirably, and all Plaintiff's counsel appear to have represented the Class well by achieving the settlement proposed here. Indeed, Class Counsel has deep experience negotiating WARN Act settlements.
8. Thus, the Court affirms its appointment of the named Plaintiff as Class Representative. The Court additionally appoints J. Gerard Stranch IV of Stranch Jennings & Garvey, PLLC, Raina C. Borrelli of Strauss Borrelli, LLP, and Lynn A. Toops, and Ian R. Bensberg of CohenMalad, LLP, as Class Counsel for the Settlement Class.
9. The Court appoints CPT Group as the Settlement Administrator. CPT is well qualified, and the Parties have already agreed to use their services.
10. Next, the opt out and objection procedures in the Settlement Agreement are fair and reasonable and provide sufficient due process. They are written in plain language and Class Members can review the Settlement Website for answers to any questions that may arise.
11. The Court will conduct a final approval hearing on July 20, 2026, at 1:30 p.m. At the hearing, the Court will decide whether to grant final approval of the settlement and will hear from any objectors.

12. All proceedings not related to the settlement approval process are stayed indefinitely to be reinstated should the settlement not be approved or is otherwise terminated.

Dated: May 7, 2026

BY THE COURT:

A handwritten signature in black ink, appearing to read 'S. Kato Crews', written over a horizontal line.

S. Kato Crews
United State District Judge