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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ISRAEL PADRON, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

GOLDEN STATE PHONE &
WIRELESS, a California Corporation;
and DOES 2 through 10,

Defendants.

CASE NO. 5:16-cv-04076-BLF

**ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Assigned to the Hon. Beth Labson
Freeman

1 Plaintiff Israel Padron’s (“Plaintiff”) Motion for Preliminary Approval of
2 Class Action Settlement came before this Court on September 28, 2017, at 9:00
3 a.m. The Court, having considered the proposed Settlement Agreement
4 (“Settlement Agreement” or “Agreement”), the proposed Class Notice, the
5 proposed Exclusion Form, the proposed Individual Form, and the submissions of
6 counsel, hereby finds and orders as follows:

7 1. The Court finds on a preliminary basis that the class action
8 settlement memorialized in the Settlement Agreement, filed with the Court, falls
9 within the range of reasonableness and, therefore, meets the requirements for
10 preliminary approval.

11 2. The Court conditionally certifies, for settlement purposes only, the
12 following California Commission Overtime Subclass:

13 All hourly, non-exempt employees who worked at any of
14 GSP’s locations in California between July 20, 2012 and
15 October 20, 2016, and who both worked overtime and earned
16 a nondiscretionary commission in at least one pay period
17 between July 20, 2012 and October 20, 2016.

18 3. The Court also conditionally certifies, for settlement purposes only,
19 the following subclass under the Fair Labor Standards Act (the “FLSA
20 Commission Overtime Subclass):

21 All hourly, non-exempt employees who worked at any of
22 GSP’s locations throughout the United States between July 20,
23 2013 and October 20, 2016, and who both worked overtime
24 and earned a nondiscretionary commission in at least one pay
25 period between July 20, 2013 and October 20, 2016.

26 4. The Court finds that, for settlement purposes only, the requirements
27 of 29 U.S.C. § 216(b), Federal Rule of Civil Procedure 23(a), and Federal Rule of
28 Civil Procedure 23(b)(3) are satisfied, with the exception of the manageability

1 requirement of Rule 23(b)(3) which the Court need not address for purposes of
2 settlement.

3 5. The Court appoints Israel Padron as the Class Representative, for
4 settlement purposes only.

5 6. The Court appoints Hernaldo J. Baltodano, Erica Flores Baltodano,
6 and Matthew K. Moen of Baltodano & Baltodano LLP as Class Counsel, for
7 settlement purposes only.

8 7. The Court appoints CPT Group, Inc. as the third-party Claims
9 Administrator.

10 8. The Court approves, as to form and content, the proposed Class
11 Notice, Exclusion Form, FLSA Consent Form, and Individual Form (collectively,
12 “Notice Packet”). The Claims Administrator is ordered to mail the Notice Packets
13 to the class members in accordance with the terms of the Settlement Agreement.

14 9. The Court further approves the procedures for class members to opt
15 out of, opt into, or object to, the Settlement, as set forth in the Settlement
16 Agreement and Class Notice.

17 10. The procedures and requirements for filing objections are intended to
18 ensure the efficient administration of justice and the orderly presentation of any
19 class member’s objection to the Settlement Agreement, in accordance with the
20 due process rights of all class members.

21 11. Each California Commission Overtime Subclass Member who
22 wishes to be excluded from the Settlement will have sixty (60) days from the date
23 the Claims Administrator mails the Class Notices to opt-out of the Settlement.

24 12. Each FLSA Commission Overtime Subclass Member who wishes to
25 participate in the FLSA Subclass will have sixty (60) days from the date the
26 Claims Administrator mails the Class Notices to submit a valid FLSA Consent
27 Form.

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1 13. Each California Commission Overtime Subclass Member who does
2 not opt-out will have sixty (60) days after the date on which the Claims
3 Administrator mails the Notice Packets to object to the Settlement by serving a
4 written objection on the Claims Administrator (who will then promptly serve it on
5 Class Counsel and Defendant's counsel). The Claims Administrator shall also file
6 any objections received with the Court.

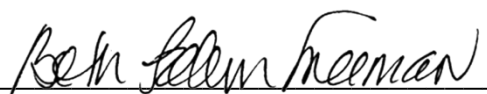
7 14. The Court will conduct a Final Approval Hearing on **April 19, 2018,**
8 **at 1:30p.m.**, or as soon thereafter as the matter may be heard, to determine the
9 overall fairness of the settlement and to fix the amount of reasonable attorneys'
10 fees and costs to Class Counsel, and incentive payment to the Class
11 Representative. The Final Approval Hearing may be continued without further
12 notice to the class members. Class Counsel shall file their motion for approval of
13 reasonable attorneys' fees and costs, and Class Representative's incentive
14 payment on or before **two weeks prior to the close of the Notice Period.**
15 Plaintiff shall file his Motion for Final Approval of the proposed settlement on or
16 before **March 19, 2018.**

17 15. Counsel for the parties are hereby authorized to utilize all reasonable
18 procedures in connection with the administration of the settlement which are not
19 materially inconsistent with either this Order or the terms of the Settlement
20 Agreement.

21 16. Pending the Final Approval Hearing, all proceedings in this action,
22 other than proceedings necessary to carry out or enforce the terms and conditions
23 of the Settlement Agreement and this Order, are stayed.

24
25 IT IS SO ORDERED.

26 Dated: September 28, 2017



The Honorable Beth Labson Freeman
United States District Judge