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13 UNITED STATES DISTRICT COURT
14 NORTHER DISTRICT OF CALIFORNIA

15 STEVEN M. BAILEY, individually, on
16 behalf of all others similarly situated, and as
17 a representative of other aggrieved
18 employees,

19 Plaintiff,

20 vs.

21 KINDER MORGAN G.P., INC., a Delaware
22 corporation; KINDER MORGAN
23 TERMINALS, INC., a Delaware
24 corporation; KINDER MORGAN BULK
25 TERMINALS LLC, a Louisiana company;
26 and DOES 1 to 10,

27 Defendants.
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Case No.: 3-18-cv-03424-TSH

Hon. Thomas S. Hixson

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

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ORDER

On May 14, 2020 the Court conducted a hearing on Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). The Court considered the Motion papers, and GOOD CAUSE appearing, IT IS HEREBY ORDERED that the Motion is GRANTED as follows:

1. The Court preliminarily approves the Settlement memorialized in the Parties' Stipulation And Settlement Agreement of Class Action Claims, attached as Exhibit A to Declaration of Sang J Park in support of Motion for Preliminary Approval of Class Action Settlement. The Court finds that the Settlement falls within the range of reasonableness of a settlement that could ultimately be granted final approval by the Court, and merits submission to Class Members for their consideration. All capitalized terms used in this Order shall have the same defined meanings as set forth in the Stipulation And Settlement Agreement of Class Action Claims.

2. The Court certifies the following Settlement Class and Subclass for settlement purposes only pursuant to Fed. R. Civ. P. 23:

Class

All of Defendants’ current and/or former non-exempt employees who worked for Defendants as Pipeline Operators and/or Pipeline Controllers in the state of California between May 2, 2014 and the Preliminary Approval Date at the following California facilities of Defendants: Barstow, Bradshaw (Sacramento), Brisbane, Carson, Chico, Colton, Concord, Fresno, Imperial, Industry, Los Angeles, Mission Valley (San Diego), Orange, Richmond, Rocklin, San Jose, Stockton and Watson (Long Beach)

Operator 12 Subclass

All members of the Class who were classified as “Operator 12s” because they regularly worked rotating 12-hour shifts

Remaining Class Members

All members of the Class who were not classified as Operator 12s

- 1 3. The Court approves the Class Notice, attached as Exhibit B to the Declaration of
- 2 Sang J Park, for mailing to Class Members.
- 3 4. The Court appoints Abraham Mathew, Jacob George and Sang J Park of Mathew
- 4 & George, and Justin Lo of Work Lawyers PC as Class Counsel.
- 5 5. The Court appoints Steven Bailey as the Class Representative.
- 6 6. The Court appoints CPT Group as the Claims Administrator.
- 7 7. The Court preliminarily approves Class Counsel's request for Attorney's Fees and
- 8 Costs subject to final review by the Court.
- 9 8. The Court preliminarily approves the Administrative Costs to be paid to CPT
- 10 Group.
- 11 9. The Court preliminarily approves the PAGA Penalty Amount.
- 12 10. The following dates shall govern for the purposes of the Settlement:

Deadline	Activity
30 days from Preliminary Approval	Defendants shall provide Claims Administrator with the Class Data List.
44 days from Preliminary Approval	Claims Administrator shall mail, by U.S. First Class, to Class Members Class Notice Materials.
60 days from mailing date.	All Class Members' Exclusion Forms, and objections must be postmarked by this date.
30 days from completion of the notice period	Plaintiff shall submit his Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs.
35 days from Plaintiff filing his Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs	The Court will hear Plaintiff's Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs.

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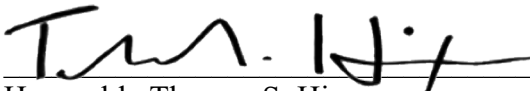
11. Class Members are enjoined from initiating or prosecuting any proceeding on any claim to be released pursuant to the Stipulation unless and until the Class Member opts out of the Class.

12. Class Counsel shall file their Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs by August 27, 2020 or thirty days from completion of the notice period.

13. On October 1, 2020 at 10:00 am/pm, the Court will hold a final fairness hearing to determine whether the Settlement, including Class Counsel's attorney's fees and costs, should be finally approved as fair, reasonable and adequate.

IT IS SO ORDERED.

Dated: April 10, 2020



Honorable Thomas S. Hixson
United States Magistrate Judge