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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MITRA ERAMI, MARIA MCGLYNN,
BRITTANY SANCHEZ, individually
and on behalf of other members of the
general public similarly situated,

Plaintiffs,

vs.

JPMORGAN CHASE BANK, National
Association,

Defendant.

Case No.: 2:15-cv-07728-PSG-PLA

**[PROPOSED] ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 5, 2018

Time: 1:30 p.m.

Courtroom: 6A

Hon. Philip S. Gutierrez

1 **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL**

2 The Court, having considered the parties’ Stipulation of Settlement and
3 Release (“Stipulation”) and all other materials properly before the Court, and
4 having conducted an inquiry pursuant to Section 216(b) of the Fair Labor Standards
5 Act of 1938 and Rule 23 of the Federal Rules of Civil Procedure, hereby finds and
6 orders as follows:

7 1. Unless otherwise defined herein, all terms used in this Order (the
8 “Order Granting Preliminary Approval”) will have the same meaning as defined
9 in the Stipulation.

10 2. The Court has jurisdiction over the subject matter of this action, the
11 Plaintiffs, the Class Members, and JPMorgan Chase Bank, N.A.

12 3. The Court finds on a preliminary basis that the settlement
13 memorialized in the Stipulation, filed with the Court, falls within the range of
14 reasonableness and, therefore, meets the requirements for preliminary approval
15 such that notice to the class is appropriate.

16 4. The Court finds that the Settlement was the product of protracted,
17 arms-length negotiations between experienced counsel well-versed in the
18 prosecution of wage and hour class and collective actions.

19 5. The Court grants preliminary approval of the parties’ Stipulation.

20 **Certification of the Proposed Rule 23 Classes For Settlement Purposes Only**

21 6. Provisional settlement, class certification, and appointment of class
22 counsel have several practical purposes, including avoiding the costs of litigating
23 class status while facilitating a global settlement, ensuring all class members are
24 notified of the terms of the proposed Stipulation, and setting the date and time of
25 the final approval hearing.

26 7. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, the
27 Court conditionally certifies, for settlement purposes only – and for no other
28 purpose and with no other effect upon this or any other action, including no effect

1 upon this action should the Settlement not ultimately be approved – a Rule 23 class
2 of all persons employed by Defendant as an exempt Assistant Branch Manager as
3 defined in the Stipulation at any time in California during the Covered Period,
4 except that any individual who timely submitted or submits a valid request for
5 exclusion shall not be included in the Class. The Covered Period shall mean
6 February 25, 2011, through the date of this Order Granting Preliminary Approval.

7 8. The Court appoints, for settlement purposes only, Named Plaintiffs
8 Mitra Erami, Maria McGlynn, and Brittany Sanchez as Class Representatives.

9 9. For settlement purposes only, Plaintiffs meet all of the requirements
10 for class certification under Federal Rule of Civil Procedure 23(a) and (b)(3).

11 **Appointment of Plaintiffs’ Counsel as Class Counsel**

12 10. For settlement purposes only, the Court appoints the Wynne Law Firm
13 as Class Counsel because it meets all of the requirements under Federal Rule of
14 Civil Procedure 23(g).

15 **Notice**

16 11. The Court approves KCC as the Claims Administrator to perform
17 duties in accordance with Sections V through VIII of the Stipulation.

18 12. The Court finds that the procedures for notifying the Class about the
19 Settlement as described in the Stipulation provide the best notice practicable under
20 the circumstances and therefore meet the requirements of due process, and directs
21 the mailing of the Notices in accordance with the Stipulation.

22 13. The Court approves, as to form and content, the Class Notice, attached
23 to the Stipulation as Exhibit A, and Claim Form, attached to the Stipulation as
24 Exhibit B. The Claims Administrator is authorized to mail these documents, after
25 they are updated with the appropriate dates and deadlines consistent with the
26 Stipulation, to the applicable Class Members as provided in the Stipulation.

27 14. The Class Notice satisfies Federal Rule of Civil Procedure 23(c)(2)(B)
28 and adequately puts Class Members on notice of the proposed settlement. The

1 Class Notice is appropriate because it describes the terms of the settlement, informs
2 the class about the allocation of attorneys' fees, and provides specific information
3 regarding the date, time, and place of the final approval hearing.

4 15. Any Request for Exclusion must be sent to the Claims Administrator
5 no later than sixty (60) days after the Class Notice is mailed to the Class Member.
6 The Claims Administrator will provide any such Request for Exclusion to Class
7 Counsel for filing with the motion for final approval of the settlement.

8 16. Any written objection by a Qualified Claimant must be filed with the
9 Court and served upon all counsel of record no later than sixty (60) days after the
10 Class Notice is mailed to the Class Member, and such deadline applies
11 notwithstanding any argument regarding non-receipt of the notice. Anyone who
12 fails to file and serve timely written objections in this manner shall be deemed to
13 have waived any objections and shall be foreclosed from making any objection to
14 the Settlement and from filing any appeal from any final approval order issued by
15 the Court. The Parties may file a response to any objections submitted by objecting
16 Class Members at or prior to the hearing for final approval of the Settlement. Class
17 Members shall be permitted to withdraw their objections in writing by submitting a
18 withdrawal statement to the Settlement Administrator not later than one (1)
19 business day prior to the Court's final approval hearing.

20 **Class Action Settlement Procedure**

21 17. The Court hereby adopts the settlement approval process as set forth in
22 the Stipulation.

23 18. In the event that the Effective Date as defined in the Stipulation does
24 not occur, the Settlement, the Stipulation, and this Order shall be deemed null and
25 void and shall have no effect whatsoever, other than the confidentiality and non-
26 disclosure provisions in Section XIV and the non-admission provisions in
27 Paragraph V.54.a of the Stipulation, which shall remain in effect. In such case,
28 nothing in the Stipulation or this Order shall be relied upon, cited as, constitute

1 evidence of, or constitute an admission that class or collective action certification is
2 or may be appropriate in this action or any other matter.

3 19. Pending the Court’s decision on final approval of the Settlement and
4 entry of the Court’s Final Order and Judgment, Plaintiffs and all Class Members
5 and anyone acting on behalf of any Class Member shall be barred and enjoined
6 from: (a) further litigation in this Action; (b) filing, or taking any action directly or
7 indirectly, to commence, prosecute, pursue or participate on a class or collective
8 action basis any action, claim or proceeding against Defendant in any forum in
9 which any of the claims subject to the Settlement are asserted, or which in any way
10 would prevent any such claims from being extinguished; or (c) seeking, whether on
11 a conditional basis or not, certification of a class or collective action that involves
12 any such claims.

13 20. The parties are ordered to carry out the Settlement according to the
14 terms of the Stipulation.

15 21. The Court will conduct a Final Approval and Fairness Hearing on
16 _____, 2018 at _____ p.m. for the purposes of: (a) making a final
17 determination of the fairness, adequacy, and reasonableness of the Settlement terms
18 and procedures; (b) fixing the amount of attorneys’ fees and litigation costs and
19 expenses to Class Counsel and enhancement awards to the Plaintiffs; (c) hearing
20 any timely and properly filed objections; and (d) entering Judgment. The Final
21 Approval and Fairness Hearing may be continued without further notice to Class
22 Members. The parties shall file their joint motion for final approval of the
23 settlement, and Class Counsel shall file their motion for attorneys’ fees, litigation
24 costs and expenses, and enhancement awards on or before _____, 2018.

25 **IT IS SO ORDERED.**

26 Dated: _____, 2018

27 _____
28 Honorable Philip S. Gutierrez
Central District of California

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