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

BARRETTE JASPER and DARRIN
COOK, on behalf of himself and others
similarly situated,

Plaintiffs,

v.

C.R. ENGLAND, INC.; and DOES 1-100,
Inclusive.

Defendants.

Case No.: CV 08-5266-GW(CWx)

CLASS ACTION

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

Action Filed: July 1, 2008
Trial Date: None Set

1 The motion for Preliminary Approval of Class Action Settlement came before
2 the Court in Department 10 of the above-entitled court, the Hon. George H. Wu
3 presiding. The court having considered the papers in Plaintiffs' motion, hereby
4 orders the following:

- 5 1. The Court grants preliminary approval of the Settlement and the
6 certification of the Settlement Class based upon the terms set forth in the
7 Joint Stipulation of Settlement (the "Settlement Agreement").
- 8 2. The Court finds the Settlement appears to be fair, adequate, and reasonable
9 to the Class. The Settlement falls within the range of reasonableness and
10 appears to be presumptively valid, subject only to any objections that may
11 be raised at the final fairness hearing and final approval by this Court.
- 12 3. The Settlement Class, which encompasses all of the members of the
13 previously certified classes in this action, is ordered preliminarily approved
14 for settlement purposes only. Should the Settlement not become final, the
15 fact that the parties were willing to stipulate to certification of the
16 Settlement Class, shall have no bearing on, nor be admissible in connection
17 with, this or any other proceeding. For purpose of Settlement only, the
18 Court conditionally certifies the following Settlement Class: "all current
19 and former employee truck drivers of England, including full-time and
20 part-time drivers, driver trainees, and Phase 1 and Phase 2 drivers, who
21 resided in California and worked for England at any time during the Class
22 Period."
- 23 4. A Final Approval Hearing on the question of whether the proposed
24 Settlement, attorneys' fees and costs of Class Counsel, and the Class
25 Representative's enhancement award should be finally approved as fair,
26 reasonable, and adequate as to the Class is scheduled for **July 7, 2014 at**
27 **9:00 a.m.** in Courtroom 10 of the above-entitled Court. All papers in
28 support of the Settlement shall be filed with the Court no later than 14 days

1 prior to the Final Approval Hearing.

- 2 5. The Court approves, as to form and content, the Notice of Pendency of
3 Class Action (the “Class Notice”), in the Form Attached as Exhibit 2 of the
4 Settlement. The Court approves the procedure for class members to object
5 to, and to request exclusion from, the Settlement as set forth in the
6 Settlement and Class Notice. No Class Member shall be entitled to be
7 heard at the Final Approval Hearing (whether individually or through
8 counsel) or to object to the proposed Settlement, and no written objections
9 or briefs submitted by any Class Member shall be received or considered
10 by the Court at the Final Approval Hearing, unless written notice of the
11 Class Member’s intention to appear at the Final Approval Hearing, and
12 copies of any written objections or briefs, have been filed with the Court
13 and served on counsel for the parties on or before the Objection/Exclusion
14 deadline date.
- 15 6. The Court approves, as to form and content, the Claim Form, in the form
16 attached as Exhibit 3 of the Settlement.
- 17 7. The Court directs the mailing of the Class Notice and Claim Form by first
18 class mail to members of the Class in accordance with the implementation
19 schedule set forth in the Settlement. The Court approves Gilardi & Co.,
20 LLC, as the Claims Administrator and finds that the dates selected for the
21 mailing and distribution of the Class Notice and Claim Form meet the
22 requirements of due process and provide the best notice practicable under
23 the circumstances and shall constitute due and sufficient notice to all
24 persons entitled hereto.
- 25 8. The Firm of Van Vleck Turner & Zaller, LLP is appointed as Class
26 Counsel for the Settlement Class.
- 27 9. Plaintiffs Jasper Barrette and Darrin Cook are appointed as Class
28 representatives for the Settlement Class.

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10. In accordance with the procedure set forth in the Settlement, the Court further approves the following implementation schedule:

- a. All Settlement Class Members who wish to opt out or exclude themselves from the Settlement must submit an exclusion request, which must be postmarked on or before the 30th day of the initial mailing of the Notice Packet (the “Exclusion Deadline Date”).
- b. All Settlement Class Members who wish to object to the Settlement must file written objections with the Court and serve all parties no later than thirty (30) calendar days from the date of the initial mailing of the Notice Packet (the “Objection Deadline”).
- c. All Settlement Class Members who wish to submit a claim must mail a valid and timely Claim Form to the Claims Administrator, which must be postmarked no later than sixty (60) days from the date of the initial mailing of the Notice Packet.

IT IS SO ORDERED:

Dated: March 11, 2014



The Honorable George H. Wu
United States District Judge