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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOAN HARP, an individual [Former]
Class Representative On Behalf of
Herself and All Others Similarly
Situated Non-Exempt Former and
Current Employees; *et al.*,

Plaintiff,

v.

STARLINE TOURS OF
HOLLYWOOD, INC., a California
corporation; EHM PRODUCTIONS,
INC.; *et al.*,

Defendant.

CASE NO. 2:14-cv-07704

REVISED [~~PROPOSED~~] ORDER:

**(1) CONDITIONALLY
CERTIFYING SETTLEMENT
CLASS;**

**(2) PRELIMINARILY
APPROVING PROPOSED
SETTLEMENT;**

**(3) APPOINTING CLASS
REPRESENTATIVE, CLASS
COUNSEL, AND SETTLEMENT
ADMINISTRATOR;**

**(4) APPROVING FORM OF
NOTICE OF PROPOSED CLASS
ACTION SETTLEMENT;**

**(6) SETTING HEARING FOR
FINAL APPROVAL OF
SETTLEMENT; AND**

**(7) ORDERING DEFENDANT
STARLINE TO PROVIDE CLASS
LIST INFORMATION**

Judge: Hon. Christin A. Snyder

Filed: December 28, 2012
Removed: October 3, 2014
Trial Date: November 13, 2018

1 Plaintiff William Brockman’s Motion for Preliminary Approval of Class
2 Action Settlement (the “Motion”) was heard by this Court on November 20, 2017
3 at 10:00 a.m. The Court, having considered the Motion, the Objection filed by
4 Defendant Starline Tours of Hollywood, Inc. (“Starline”), supporting papers, and
5 the parties’ evidence and argument, and good cause appearing, hereby grants
6 preliminary approval of the settlement. Capitalized terms in this Order shall have
7 the definitions set forth in the Class Action Settlement Agreement (“Settlement
8 Agreement”).

9 IT IS HEREBY ORDERED:

10 1. The Court grants Preliminary Approval of the settlement based upon
11 the terms set forth in the Settlement Agreement.

12 2. The Court hereby preliminarily finds and determines that the
13 settlement set forth in the Settlement Agreement falls within the range of
14 reasonableness and appears to be presumptively valid, subject only to any
15 objections that may be raised at the Final Approval Hearing. Based on its review
16 of the Settlement Agreement, this Court finds that the Settlement Agreement is the
17 result of (a) extensive, arm's-length negotiations between the Parties, (b) following
18 an extensive investigation of the claims and law, (c) by experienced counsel on
19 both sides, (d) who were fully familiar with the strengths and weaknesses of the
20 claims.

21 3. The Court hereby preliminarily certifies the Settlement Class under
22 Fed. R. Civ. Proc. 23 and 29 U.S.C. § 216(b), as defined in the Settlement
23 Agreement, pursuant to the terms and conditions of the Settlement Agreement and
24 solely for the purposes of settlement. The Settlement Class shall be certified for no
25 purpose other than to effectuate the terms and conditions of the Settlement
26 Agreement. This certification, assuming final approval is granted, shall supersede
27 and moot this Court’s prior grant of conditional certification (under the FLSA)

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1 **only to the extent** of the claims released by the Settlement. This Court’s prior
2 grant of conditional certification as to claims not covered by the release set forth in
3 the Settlement shall remain unaffected, subject to any further rulings of the Court.
4 For the avoidance of doubt, this Court’s prior grant of conditional certification of a
5 subclass consisting of “[a]ll current and former hourly drivers who, within three
6 years preceding the date of their decision to opt in to this action, were employed by
7 both the Starline defendants and EHM in the State of California” is moot. (Dkt.
8 125 at 14-15.)

9 4. This Court has jurisdiction over the Parties and claims and
10 preliminarily finds that the numerosity, commonality, typicality, and adequacy
11 requirements of Rule 23(a), and the predominance and superiority requirements of
12 Rule 23(b)(3), have been met and that class certification for purposes of approving
13 the Settlement is warranted. Additionally, this Court conditionally finds that, for
14 purposes of settlement only, a collective action under 29 U.S.C. § 216(b) is
15 appropriate for all claims arising under the FLSA.

16 5. The Court confirms Dennis P. Wilson, of the Law Offices of Dennis
17 P. Wilson and Julia A. Mercado, of Aparicio-Mercado Law, L.C., as Class
18 Counsel.

19 6. The Court confirms William Brockman as Settlement Class
20 Representative.

21 7. The Court confirms Simpluris, Inc., as the Settlement Administrator.

22 8. The Court approves, as to form and content, the revised notice
23 attached as Exhibit 1 to the Stipulation Regarding Revised Form of Notice of
24 Proposed Class Action Settlement (the “Notice”).

25 9. The Court orders Starline to provide the Class List information to
26 counsel for Defendant EHM Productions, Inc. (“Defendant”) no later than fourteen
27 (14) days after entry of this Order;

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1 10. The Court directs the mailing of the Notice by first class mail to the
 2 Settlement Class in accordance with the terms and conditions of the Settlement
 3 Agreement. The Court finds that the deadlines and method selected for the mailing
 4 and distribution of the Notice, as set forth in the Settlement Agreement, meet the
 5 requirements of due process and provide the best notice practicable under the
 6 circumstances, and shall constitute due and sufficient notice to all persons entitled
 7 thereto.

8 11. A Final Approval Hearing will be held on June 4, 2018, at 10:00 am,
 9 or on another date convenient to the Court, to determine whether the proposed
 10 settlement should be finally approved as fair, reasonable, and adequate as to
 11 Settlement Class Members. As set forth in the Notice, Settlement Class Members
 12 may support or oppose the settlement or Class Counsel’s request for a Class
 13 Counsel Fees and Cost Award at the Final Approval Hearing.

14 12. The Court confirms the schedule of further actions and proceedings
 15 set forth in the Settlement Agreement, including as follows:

17 Last day for Starline to provide Settlement Class List information to counsel for Defendant	Within fourteen (14) calendar days of entry of this Order;
18 19 Last day for Defendant to provide Settlement Class List to Settlement Administrator:	Within seven (7) calendar days of receipt of Settlement Class List information from Starline;
20 21 Last day for Settlement Administrator to mail Notice to Settlement Class Members:	As soon as reasonably practicable given the deadlines and processes set forth in the Settlement Agreement.
22 23 Response Deadline:	Sixty (60) calendar days after the Settlement Administrator mails Notice to Settlement Class Members.
24 25 Last day for filing and service of motion for final approval of class action settlement, supporting papers, and proposed Final Approval Order:	Within thirty (30) calendar days following the expiration of the Response Deadline
26 27 Last day for Settlement Administrator to	No later than fourteen (14) calendar
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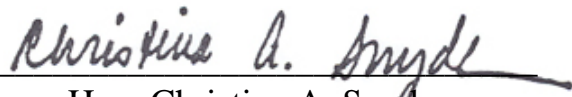
1 submit to the Court attaching complete 2 copies of all objections received, 3 including the postmark dates for each objection:	days before the Final Approval Hearing.
4 Final Approval Hearing	June 4, 2018, at 10:00 am, or on another date convenient to the Court

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12. Pending the Final Approval Hearing, other than proceedings necessary to carry out or to enforce the terms and conditions of the Settlement, the portion of the case pertaining to Defendant EHM Productions, Inc. matter is hereby stayed.

13. The Court may continue the date of the Final Approval hearing without further notice to Settlement Class Members.

Dated: December 8, 2017


Hon. Christina A. Snyder
United States District Court Judge