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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

DAVID GARDNER, an individual

Plaintiff,

vs.

FLAIR EVENT MODELS, INC., an Oregon Corporation; BIL-JAC FOODS, INC. an Ohio Corporation, and DOES 1-50, inclusive,

Defendants.

Case No.: CV 16-4371-GW(GJSx)

Assigned to Hon. George H. Wu

**SUPPLEMENTAL ORDER  
GRANTING RENEWED MOTION  
FOR PRELIMINARY APPROVAL  
OF CLASS ACTION  
SETTLEMENT**

**Date: August 3, 2017  
Time: 8:30 a.m.  
Dept.: 9-D**

WHEREAS, a misclassification and wage/hour class action is pending before the Court entitled, *David Gardner v. Flair Event Models, Inc. et al* Case No. 2:16-CV-04371GW(GJSx);

WHEREAS, lead Plaintiff, David Gardner has filed a Renewed Motion for Preliminary Approval of Class Action Settlement (“Renewed Motion”) (Dk. 51);

WHEREAS, a hearing on the Renewed Motion was held on August 3, 2017, where all parties appeared;

WHEREAS, the Court granted the Renewed Motion pursuant to the tentative

1 ruling for same, which is fully incorporated herein by reference with this  
2 Preliminary Approval Order (Dk. 52);

3 The Court having read and considered the Renewed Motion;

4 **NOW, THEREFORE, ORDERS** that:

5 1. This Preliminary Approval Order hereby incorporates by reference the  
6 definitions in the Stipulation, and all capitalized terms used herein, unless otherwise  
7 defined, shall have the same meanings as set forth in the Stipulation.

8 2. The Court does hereby preliminarily approve the Stipulation and the  
9 Settlement set forth therein, subject to further consideration at the Final Approval  
10 Hearing described below.

11 3. For purposes of the Settlement only, this Court preliminarily finds and  
12 concludes that the Settlement Class is ascertainable and that there is a well-defined  
13 community of interest in the questions of law and fact involved affecting the  
14 members of the Settlement Class. For purposes of the Settlement only, the Court  
15 finds and concludes that (a) the Persons who are part of the Settlement Class are so  
16 numerous that joinder of all such Persons is impracticable; (b) there are questions of  
17 law and fact common to the Settlement Class that predominate over any individual  
18 questions; (c) the claims of the Lead Plaintiff are typical of those of the Settlement  
19 Class; (d) in negotiating and entering into the Stipulation, Lead Plaintiff and his  
20 counsel have fairly and adequately represented and protected the interests of all  
21 Persons who are part of the Settlement Class; and (e) a class action is superior to  
22 other available methods for the fair and efficient adjudication of the controversy,  
23 considering,

- 24 a. the interests of the Persons who are part of the Settlement Class in  
25 individually controlling the prosecution of separate actions;
- 26 b. the extent and nature of any litigation concerning the controversy  
27 already commenced by persons who are part of the Settlement Class;
- 28 c. the desirability or undesirability of concentrating the litigation of the

1 claims in this particular forum; and

2 d. the difficulties likely to be encountered in the management of the  
3 Litigation as a class action.

4 4. Pursuant to Rule 23 of the Federal Rules of Civil Procedure and for  
5 purposes of the Settlement only, Lead Plaintiff, David Gardner is appointed as class  
6 representative and Lead Counsel Whitehead Employment Law is appointed as class  
7 counsel.

8 5. A Final Approval Hearing shall be held before this Court on November  
9 2, 2017, at 8:30 a.m. Any documentation necessary for the hearing shall be filed by  
10 October 23, 2017.

11 6. Neither the Stipulation nor the Settlement, nor any act performed or  
12 document executed pursuant to or in furtherance of the Stipulation or the Settlement:  
13 (a) is or may be deemed to be or may be used as an admission of, or evidence of, the  
14 validity of any released claim, or of any wrongdoing or liability of Defendants; or  
15 (b) is or may be deemed to be or may be used as an admission of, or evidence of,  
16 any fault or omission of any Defendant in any civil, criminal or administrative  
17 proceeding in any court, administrative agency, or other tribunal. Any  
18 settling/released party may file the Approved Stipulation in any action that may be  
19 brought against them in order to support a defense or counterclaim based on  
20 principles of res judicata, collateral estoppel, release, good faith settlement,  
21 judgment bar or reduction or any other theory of, without limitation, claim  
22 preclusion or issue preclusion or similar defense or counterclaim.

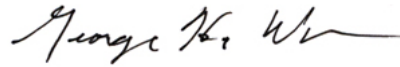
23 7. The Court retains jurisdiction to consider all further applications arising  
24 out of or connected with the proposed Settlement. The Court may approve the  
25 Settlement, with such modifications as may be agreed to by the Settling Parties, if  
26 appropriate, without further notice to the Settlement Class. If the Settlement is not  
27 approved or consummated for any reason whatsoever, this Order shall be rendered  
28 null and void to the extent provided by and in accordance with the Stipulation and

1 shall be vacated, and in such event, all orders entered and releases delivered in  
2 connection herewith shall be null and void to the extent provided by and in  
3 accordance with the Stipulation. Each party shall be restored to his, her, or its  
4 respective position as it existed immediately prior to the execution of the  
5 Stipulation.

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IT IS SO ORDERED.

DATED: August 22, 2017



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GEORGE H. WU, U.S. District Judge