

HONORABLE BENJAMIN H. SETTLE

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IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

STEVEN EILERMAN, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

MCLANE COMPANY, INC. DBA
MCLANE/NORTHWEST, a Washington
Corporation,

Defendant.

Case No.: 3:16-CV-05303-BHS

**REVISED ORDER
GRANTING PLAINTIFF'S UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

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2 The above-titled matter came before this Court upon Plaintiff's Motion for Preliminary
3 Approval of Class Action Settlement. Based upon the memoranda, exhibits, and all the files and
4 proceedings herein, the Court finds as follows:

5 1. The Court grants preliminary approval of the Settlement based upon the terms set
6 forth in the Joint Stipulation of Class Action Settlement ("Settlement Agreement") filed herewith
7 and attached hereto as **Exhibit 1**.

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9 2. The settlement terms set forth in the Settlement Agreement appear to be fair,
10 adequate and reasonable to the Class, and the Court preliminarily approves the terms of the
11 Settlement Agreement, including without limitation:

- 12 a. A Maximum Settlement Amount of \$775,000;
13 b. the Class Representative enhancement payment to Plaintiff of \$5,000;
14 c. the sum of up to \$232,500 as attorneys' fees to Class Counsel, representing
15 30% of the Maximum Settlement Amount;
16 d. the sum of costs awarded to Class Counsel which shall not exceed
17 \$15,000; and
18 e. the Settlement Administrator Expenses, not to exceed \$10,000.

19 3. The Court conditionally grants certification of the following Rule 23 Settlement
20 Class for the sole and limited purpose of implementing the terms of the Settlement Agreement,
21 subject to this Court's final approval:

22 All individuals who (1) resided in Washington State, (2) were employed by Defendant as
23 a truck driver, (3) who drove at least one route of three hours or more within Washington
24 State, and (4) who were paid on a "per mile" piece-rate basis, at any time from March 17,
25 2013 through and including December 31, 2016 (the "Settlement Class Period").

26 4. The Court preliminarily appoints Plaintiff's Counsel, HammondLaw P.C.,
27 Ackermann & Tilajef, P.C., and Law Offices of India Lin Bodien as Class Counsel, and Plaintiff
28 Steven Eilerman as Class Representative.

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2 5. The Court approves, as to form and content, the Notice of Proposed Class Action
3 Settlement (“Class Notice”), in substantially the form attached to the Settlement Agreement as
4 **Exhibit A.** The Court approves the procedure for Class Members to opt out of, and to object to,
5 the Settlement as set forth in the Settlement Agreement and the Class Notice.

6 6. The Court directs the mailing of the Class Notice by first class mail to the Class
7 Members in accordance with the schedule set forth below. The Court finds the dates selected for
8 the mailing and distribution of the Notice, as set forth below, meet the requirements of due
9 process and provide the best notice practicable under the circumstances and shall constitute due
10 and sufficient notice to all persons entitled thereto.

11 7. The Court approves appointment of Simpluris, Inc. as the Settlement
12 Administrator.

13 8. The Court adopts the following dates and deadlines:

14 Within 15 business days of Preliminary 15 Approval Order	Deadline for Defendant to provide Class Data List to the Settlement Administrator
16 10 business days after Defendant provides the 17 Class Data List to the Settlement 18 Administrator	Deadline for Settlement Administrator to mail Notice to Class Members
19 30 calendar days after mailing of Notice 20 Packet	Deadline for Class Members to object to, or opt 21 out of, the Settlement; deadline for Class Members to challenge their number of weeks worked listed in the Notice

22 9. Class Counsel shall file a memorandum of points and authorities in support of their
23 motion for approval of an award of attorneys’ fees and litigation expenses no later than 14 calendar
24 days before the end of the time within which Class Members may object to or opt-out of the
25 settlement.

26 10. Class Counsel shall file a memorandum of points and authorities in support of the
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2 final approval of the Settlement Agreement no later than seven (7) calendar days before the final
3 fairness hearing.

4 11. A final fairness hearing on the question of whether the proposed Settlement,
5 attorneys' fees to Class Counsel, and the Class Representatives' Enhancement Awards should be
6 finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in for
7 May 2, 2017 at 11:00 a.m.

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9 Presented by:

10 _____
11 /s/ Julian Hammond

12 Dated this 28th day of February, 2017.

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15 _____
16 HON. BENJAMIN H. SETTLE
17 UNITED STATES DISTRICT JUDGE