

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BARBARA GRADY, et al,

Plaintiff,

v.

RCM TECHNOLOGIES, INC.,

Defendant.

CASE NO. 5:22-cv-00842-JLS-SHK

**ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

The Court conditionally granted preliminary approval of the parties' proposed class action settlement but ordered amendment to the Settlement Agreement and Class Notice (*See* Order, Doc. 46.) The Court is now in receipt of the parties' amended Settlement Agreement and Class Notice, which address the concerns that the Court flagged in its prior Order. (*See* Supplement to Motion for Preliminary Approval ("Prelim. Approval Supp."), Doc. 47.) Accordingly, and good cause appearing, IT IS HEREBY ORDERED and ADJUDGED as follows:

Preliminary Settlement Approval

The Court preliminarily approves the parties' settlement as set forth in the Settlement Agreement (Exs. A & B to Prelim. Approval Supp. at 5–88) and the amended notice form (Exs. C & D to Prelim. Approval Supp. at 89–104), grants class certification for the Settlement Class as defined in the Settlement Agreement, and approves Barbara Grady as Class Representative and Joshua Konecky as Class Counsel to act on behalf of the Settlement Class.

Approval of Form and Method of Class Notice

The Court approves, as to form and content, the amended form of Class Notice. (*Id.*).

The Court approves the designation of JND Legal Administration ("JND") to serve as the Settlement Administrator for the settlement. The Settlement Administrator shall disseminate Class Notice to all Class Members, shall provide notice of the proposed Settlement under the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 17175(b) per the terms of the Notice Plan (Doc. 44-10), supervise and carry out the notice procedure and other administrative functions, shall respond to Settlement Class Member inquiries, shall determine the eligibility for, and the amounts of, each Individual Settlement Award and Individual PAGA Payment under the terms of the Settlement Agreement, and perform such other duties as set forth in the Settlement Agreement and this Order under the direction and supervision of the Court.

The Court directs the Settlement Administrator to establish a Settlement Website, making available copies of this Order, the Settlement Notice, the Settlement Agreement, the Motion for Preliminary Approval of the Settlement Agreement, the Supplement to the Motion for Preliminary Approval of the Settlement Agreement, and Motion for Attorneys' Fees and Costs and Service Award, and any such other information as may be of assistance to Settlement Class Members or required under the Settlement Agreement. The Settlement Administrator is ordered to substantially complete dissemination of the Class Notice no later than twenty-eight (28) business days after the entry of the Court's Preliminary Approval Order—that is, within fourteen (14) calendar days after receiving the Class List from Defendant.

The costs of the Class Notice, creating and maintaining the Settlement Website, and all other settlement administration expenses shall be paid out of the Settlement Fund in accordance with the applicable provisions of the Settlement Agreement.

The Settlement Administrator shall mail and e-mail the Notice to all Settlement Class Members at the addresses provided by Defendant, as updated by the Settlement Administrator.

Procedure for Settlement Class Members to Participate in, Request Exclusion from, or Object to the Settlement

Settlement Class Members who wish to receive a settlement award do not need to take any action. If a Settlement Class Member is deceased, the legal successor for the Settlement Class Member may obtain payment by providing the Settlement Administrator with appropriate proof of successor status and a current address.

Any person falling within the definition of the Settlement Class may, upon his or her request, be excluded from the Settlement Class. Requests for exclusion shall follow the procedure identified in the amended Class Notice. (Exs. C & D to Prelim. Approval Supp.)

Any Settlement Class Member (or their legal representative or successor-in-interest) who desires to object to the proposed settlement, including the requested attorneys' fees and expenses or service awards to the named Plaintiff, must timely email, fax, or mail the Settlement Administrator a notice of the objection(s), together with all papers that the Settlement Class Member desires to submit no later than forty-five (45) calendar days from the later of the initial mailing or emailing of the Settlement Notices by the Settlement Administrator, unless the 45th day falls on a Sunday or Federal holiday, in which case the Response Deadline will be extended to the next day on which the U.S. Postal Service is open. Objections must comply with the procedures identified in the amended Class Notice. (*Id.*)

Final Approval Hearing

The Court will hold a final approval hearing on **February 21, 2025**, at 10:30 a.m., before this Court in Courtroom 8A, United States District Court, Central District of California, 350 West 1st Street, Los Angeles, California 900012, for the following purposes:

- A. Determining whether the proposed settlement of the Action on the terms and conditions provided for in the Settlement Agreement is fair, reasonable, and adequate and should be approved by the Court;
- B. Determining the proposed Settlement Agreement's fairness with respect to the claims under the Private Attorneys General Act, Cal. Labor Code § 2698 *et seq.*;
- C. Considering whether the Court should enter the [Proposed] Order of Final Approval and Judgment Approving Class Action Settlement;
- D. Considering whether the Court should set a date when the Parties shall submit the Final Report regarding the distribution of the Gross Settlement Amount, and, if necessary, a date for a final accounting hearing following the Court's receipt of the Final Report;

- E. Considering the application for service awards to the Named Plaintiff as provided for under the Settlement Agreement;
- F. Considering the application of Class Counsel for an award of attorneys' fees and litigation expenses as provided for under the Settlement Agreement; and
- G. Ruling upon such other matters as the Court may deem just and appropriate.

The Court may adjourn the Final Approval Hearing and later reconvene such hearing without further notice to the Settlement Class Members.

Any Settlement Class Member (or their legal representative) who has timely filed an objection may appear at the Final Approval Hearing, either in person or through counsel hired at the Settlement Class Member's expense, to object to any aspect of the fairness, reasonableness, or adequacy of the settlement and the Settlement Agreement, including Class Counsel's request for award of attorneys' fees and litigation costs. All Settlement Class Members who do not enter an appearance will be represented by Class Counsel.

Opening papers in support of final approval of the Settlement Agreement, and opening papers in support of Plaintiffs' and Class Counsel's application for attorneys' fees, litigation expenses and service awards, shall be filed and served thirty (30) calendar days prior to the deadline for any objections to the Settlement Agreement. In their papers for final approval of the Settlement Agreement, the parties must also include a declaration reflecting that they provided appropriate notice of the proposed settlement to relevant state and federal authorities per the terms of 28 U.S.C. § 1715(b) at least ninety (90) days prior to the date of the Final Fairness Hearing. 28 U.S.C. § 1715(d). *True v. Am. Honda Motor Co.*, 749 F. Supp. 2d 1052, 1059 n.5 (C.D. Cal. 2010) (recognizing that the Class Action Fairness Act "requires that notice [of a proposed settlement] be sent to 'the appropriate State official of each State in which a class member resides and the appropriate Federal official.'" (quoting 28 U.S.C § 1715(b)). Opposition papers, if any, must be filed with the Court and served on the Parties' counsel at least fourteen (14) calendar days prior to the Final Approval Hearing. Reply papers, including response to oppositions or objections, if

any, must be filed and served at least seven (7) calendar days prior to the Final Approval Hearing.

The Parties may further modify the Settlement Agreement prior to the Final Approval Hearing so long as such modifications do not materially change the terms of the settlement provided therein. The Court may approve the Settlement Agreement with such modifications as may be agreed to by the Parties, if appropriate, without further notice to Settlement Class Members.

Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the settlement which are not materially inconsistent with either this Order or the terms of the Settlement Agreement.

IT IS SO ORDERED.

DATED: November 13, 2024



HON. JOSEPHINE L. STATON
UNITED STATES DISTRICT JUDGE