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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 * * *

11 JULIAN SMOTHERS, ET AL.,

12 Plaintiffs,

13 vs.

14 NORTHSTAR ALARM SERVICES, LLC,

15 Defendant(s).

Case No. 2:17-CV-00548-KJM-KJN

**ORDER RE NOTICE OF
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT AND CLASS
NOTICE PLAN**

Courtroom: 3

Judge: Hon. Kimberly J. Mueller

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22 WHEREAS, the Court having preliminarily approved the Amended Joint Stipulation of
23 Class Settlement, appointing Plaintiffs Julian Smothers and Asa Dhadda as Class Representatives
24 and appointing Plaintiffs' Counsel as Class Counsel, and having reviewed and considered the
25 Parties' amended notices and forms to effectuate the class notice plan (ECF No. 68), IT IS
26 HEREBY ORDERED as follows:

1 1. Plaintiffs’ proposed plan for class notice and settlement administration is the best
2 notice practicable under the circumstances and is in full compliance the requirements of the Fair
3 Labor Standards Act and Rule 23 of the Federal Rules of Civil Procedure, as applicable, and
4 comports with the requirements of due process. Plaintiffs’ amended class notice forms, submitted
5 to the Court in accordance with its July 12, 2019 Order (ECF No. 67), likewise comply with the
6 requirements of the Fair Labor Standards Act, Rule 23 of the Federal Rules of Civil Procedure,
7 and the requirements of due process, and are appropriate as part of the proposed plan for notice
8 to potential members of the Settlement Class.

9 2. Phoenix Settlement Administrators (“Settlement Administrator”) is appointed to
10 administer this Settlement and to perform the duties set forth in the Parties’ Settlement. The
11 Settlement Administrator is directed to follow all procedures described in the Parties’ Settlement
12 concerning the means and method of providing notice to the class and conducting the notice
13 follow-up procedures set forth in the Settlement.

14 3. Within seven (7) days after entry of this Order, Defendant shall provide to the
15 Settlement Administrator and Class Counsel a list of the Settlement Class Members containing
16 the names, social security numbers, last-known telephone numbers, last-known email addresses
17 and last-known physical addresses, and a list of amounts that could be claimed by each
18 Settlement Class Member.

19 4. Within fourteen (14) days after the Settlement Administrator receives the
20 information described in paragraph 3, the Settlement Administrator shall send the Class Notice to
21 the Settlement Class Members via U.S. mail and, where possible, also via email. The Class
22 Notice to the potential FLSA Group includes a form that the potential FLSA Group Members
23 must timely submit with all requested information to affirmatively indicate their consent to
24 participate in the Settlement and to be bound by the terms set forth therein. The Class Notice to
25 the potential California Class includes a form that will be available for download from the class
26 website, which the California Class Members may use for the purpose of excluding themselves
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1 from the California Class, in addition to any other writing that the California Class Members
2 may use for that purpose.

3 5. The FLSA Group Members and California Class Members may object to the
4 Settlement in accordance with the terms of the notices, which include submitting written
5 objections or making oral objections at the final fairness hearing.

6 6. FLSA Group Members must indicate their intention to opt-in to the Settlement by
7 timely submitting a valid opt-in form postmarked no later than seventy-five (75) days from the
8 date upon which the Settlement Administrator issues the Class Notice.

9 7. California Class Members must indicate their intention to exclude themselves
10 from the Settlement by timely submitting written notice postmarked no later than seventy-five
11 (75) days from the date upon which the Settlement Administrator issues the Class Notice.

12 8. Plaintiffs shall file a Motion for Attorneys' Fees and Costs and Motion for
13 Enhancement Award not later than fourteen (14) days prior to the deadline for Settlement Class
14 Members to object to the Settlement. At the final hearing, the Court will consider any written
15 objections and hear any oral objections to the fees, costs and incentive award requests, along
16 with any objections to the Settlement itself.

17 9. The hearing for Plaintiffs' Motion for Final Approval of Class Settlement is hereby
18 scheduled for December 6, 2019 at 10:00 a.m. in Courtroom 3.

19 IT IS SO ORDERED.

20 DATED: August 12, 2019.

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23 UNITED STATES DISTRICT JUDGE
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