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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
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13 ANDREW QUIRUZ, on behalf of himself, all  
14 others similarly situated,

15 *Plaintiff,*

16 vs.

17 SPECIALTY COMMODITIES, INC., a North  
Dakota corporation; ARCHER DANIELS  
18 MIDLAND COMPANY, a business entity form  
unknown; and DOES 1 through 100, inclusive,

19 *Defendants.*  
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Case No. 5:17-cv-03300-BLF

Assigned For All Purposes To The Honorable  
Beth Labson Freeman, Courtroom 3

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

[Filed Concurrently with Plaintiff's First  
Amended Notice of Motion and Motion for  
Preliminary Approval of Class Action Settlement  
and Certification of Settlement Class, and  
Declaration of Shaun Setareh]

Date: April 2, 2020  
Time: 9:00 a.m.  
Place: Courtroom 3

Action Filed: May 3, 2017  
Date of Removal: June 7, 2017

**[PROPOSED] ORDER**

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2 Plaintiff ANDREW QUIRUZ (“Plaintiff”) Motion for Preliminary Approval of Class Action  
3 Settlement came on regularly for hearing before the Honorable Beth Labson Freeman.

4 After full consideration of all the materials filed in support of the Motion, and GOOD  
5 CAUSE APPEARING THEREFROM, the Court makes the following findings and orders:

- 6 1. The Court **GRANTS** preliminary approval of the Settlement pursuant to Fed. R. Civ.  
7 Proc. 23 based upon the terms set forth in the Settlement Agreement (“Settlement” or  
8 “Settlement Agreement”) attached to the Declaration of Shaun Setareh.
- 9 2. The Settlement as proposed appears to be fair and reasonable and to provide  
10 significant benefit to the Settlement Classes and the California FLSA Collective.
- 11 3. The Settlement was reached through good faith and arm’s length negotiation with the  
12 assistance of an experienced mediator.
- 13 4. Named Plaintiff ANDREW QUIRUZ is a suitable class representative and is  
14 appointed as the Class Representative for the Settlement Class.
- 15 5. Named Plaintiff’s counsel, Shaun Setareh and William M. Pao of the Setareh Law  
16 Group, is experienced in matters of this nature and is appointed as Class Counsel for  
17 the Settlement Class.
- 18 6. The proposed Settlement Class and the California FLSA Collective defined in the  
19 Settlement are provisionally certified for purposes of the settlement only.
- 20 7. The notice provision in the Settlement is constitutionally sound because individual  
21 notices will be mailed to all class members whose identities are known to the parties,  
22 and such notice is the best notice practicable. The proposed Notice of Class Action  
23 Settlement (filed as ECF Nos. 88 and 89) is sufficient to inform Class Members of  
24 the terms of the Settlement, their rights under the Settlement, their rights to object to  
25 the Settlement, their rights to dispute their number of workweeks, and their rights to  
26 elect not to participate in the Settlement; the processes for doing so; and the date and  
27 location of the final approval hearing, and are therefore approved.

- 1           8.       A Final Approval Hearing on the question of whether the proposed Settlement,  
2                 attorneys' fees and costs to Class Counsel, payment to the Labor & Workforce  
3                 Development Agency, and the Named Plaintiffs' enhancement awards should be  
4                 finally approved as fair, reasonable, and adequate as to the members of the Class is  
5                 scheduled in Courtroom 3 of this Court on September 10, 2020 at 9:00 a.m.
- 6           9.       The Court approves, as to form and content, the Notice of Class Action Settlement, in  
7                 substantially the forms filed at ECF Nos. 88 and 89. The Court approves the  
8                 procedure for Settlement Class members to participate in, to opt out of, and to object  
9                 to, the Settlement as set forth in the Class Notice.
- 10          10.       The Court directs the mailing of the Class Notice Packet to all Settlement Class  
11                 members by First-Class Mail.
- 12          11.       To facilitate administration of the Settlement pending final approval, the Court  
13                 hereby enjoins Plaintiffs and all Settlement Class members from filing or prosecuting  
14                 any claims, suits or administrative proceedings regarding claims released by the  
15                 Settlements unless and until such Settlement Class members have filed valid written  
16                 requests for exclusion with the Settlement Administrator and the time for filing  
17                 claims with the Settlement Administrator has elapsed.
- 18          12.       The Court orders the following Implementation Schedule for further proceedings:
  - 19                 a.       Deadline for Defendants to submit Settlement Class Member contact  
20                         information to Settlement Administrator: April 24, 2020.
  - 21                 b.       Deadline for Settlement Administrator to mail the Class Notice Packet to  
22                         Settlement Class Members: May 15, 2020.
  - 23                 c.       Deadline for submission of California FLSA Collective Opt-In Consent  
24                         Forms: June 30, 2020.
  - 25                 d.       Deadline for Settlement Class Members to postmark Requests for Exclusion,  
26                         and disputes regarding the number of workweeks/paystubs: June 30, 2020
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- e. Deadline for Settlement Class Members to postmark Objection to settlement: August 20, 2020.
- f. Deadline for Class Counsel to file Motion for Final Approval of Class Action Settlements: August 6, 2020
- g. Final Fairness and Approval Hearing: September 10, 2020 at 9:00 a.m.

13. The Court retains jurisdiction over the parties to enforce the terms of the judgment.

IT IS SO ORDERED.

DATED: April 3, 2020



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Honorable Beth Labson Freeman  
UNITED STATES DISTRICT JUDGE