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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANITA TREJO,

Plaintiff,

v.

LYNEER STAFFING SOLUTIONS,
LLC; CIERA STAFFING, LLC;
EMPLOYERS HR LLC; YUSEN
LOGISTICS (AMERICAS) INC.; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: 2:19-cv-4132-DSF (JCx)

**ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

1 The Court, having read and considered the papers filed in support of the
2 motion for preliminary approval of class settlement, the proposed class notice and
3 other documents, having considered the arguments of counsel, and good cause
4 appearing therefor,

5 **IT IS ORDERED:**

6 1. The Joint Stipulation of Class Action Settlement and Release and
7 Addendum filed with the Court as Exhibit 1 to the Third Supplemental Declaration
8 of Katherine J. Odenbreit, contemporaneously filed herewith, entered into by and
9 between ANITA TREJO (“Plaintiff”), individually and on behalf of Class Members
10 (defined below), and Defendants LYNEER STAFFING SOLUTIONS, LLC,
11 CIERA STAFFING, LLC, EMPLOYERS HR LLC, and YUSEN LOGISTICS
12 (AMERICAS) INC. (collectively “Defendants”), is fair, just, and reasonable and,
13 meet the requirements for preliminary approval, subject to further consideration at
14 the final approval hearing after the distribution of the Class Notice to the members
15 of the Settlement Class.

16 2. For purposes of this Order, the court adopts all defined terms as set
17 forth in the Stipulation of Settlement.

18 3. The following class is conditionally certified for settlement purposes
19 only: all non-exempt, hourly workers who were assigned by Lyneer Staffing
20 Solutions, LLC, Ciera Staffing, LLC, and Employers HR, LLC to perform work for
21 Yusen Logistics (Americas), Inc. in California at any time from July 1, 2017 to
22 August 25, 2019 (the “Class Period”).

23 4. The Court finds, for settlement purposes only, the requirements of
24 Federal Rule of Civil Procedure 23(a) and Federal Rule of Civil Procedure 23(b)(3)
25 are satisfied.

26 5. Named Plaintiff Anita Trejo is appointed as Class Representative.
27 Kevin Mahoney, Katherine J. Odenbreit, and John A. Young of Mahoney Law
28 Group, APC are appointed as Class Counsel.

1 6. The proposed notice plan is approved as the best notice practicable.
2 The proposed Settlement Class Notice attached as Exhibit A to the to the Joint
3 Stipulation of Class Action Settlement and Release and Addendum filed with the
4 Court (Exhibit 1 Second Supplemental Declaration of Katherine J. Odenbreit) is
5 sufficient to inform the Class Members of the terms of the Settlement Agreement,
6 their rights to receive monetary payments under the Settlement Agreement, their
7 right to exclude themselves from the Settlement and their right to lodge objections
8 to the Settlement. The Court finds the notice requirements of Federal Rules of Civil
9 Procedure 23 and applicable standards of due process are satisfied, and that the
10 Class Notice adequately advises Class Members of their rights under the Settlement.
11 Counsel for the Parties are authorized to correct any typographical errors that may
12 be discovered in the Class Notice and make clarification, to the extent some are
13 found or needed, so long as the corrections do not materially alter the substance of
14 the Class Notice. The approved Request for Exclusion from Class Settlement form
15 is attached as Exhibit B to the to the Joint Stipulation of Class Action Settlement
16 and Release and Addendum filed with the Court (Exhibit 1 Second Supplemental
17 Declaration of Katherine J. Odenbreit).

18 7. Pursuant to the Party's Addendum to the Joint Stipulation of Class
19 Settlement, the response deadline is 60 days from the date of the initial mailing of
20 the Notice Packet. The procedures for Class Members to request to be excluded or
21 object to the Settlement (including Plaintiff's Counsel's fees and costs), are detailed
22 in the Class Action Settlement and Release and Addendum and the aforementioned
23 Class Notice. Any Class Member who intends to object to final approval of the
24 Settlement Agreement must submit a written objection to the Settlement
25 Administrator by mail in accordance with the Class Action Settlement and Release
26 and Addendum.

27 8. Plaintiff's Counsel is ordered to file their application for attorney's
28 fees, costs, and incentive award 30 days after the mailing of the Class Notice. Class

1 Members will be able to access Plaintiff's Counsel's application via the Settlement
2 Administrators website that will be inserted in the Class Notice by the Settlement
3 Administrator. The Notice will inform Class Members of when the application for
4 attorney's fees, costs and incentive award will be available for their review and will
5 provide Class Members a link to access the documents.

6 9. Phoenix Class Action Administrators ("Phoenix" or "Settlement
7 Administrator") is appointed to act as the Settlement Administrator pursuant to the
8 terms of the Class Action Settlement and Release and Addendum. The Settlement
9 Administrator is ordered to carry out the Settlement according to the terms of the
10 Class Action Settlement and Release and Addendum and in conformity with this
11 Order, including disseminating the Notice according to the notice plan described in
12 the settlement agreement. Based upon the cost estimate submitted by Phoenix, the
13 Court preliminarily approves administration costs in the amount of fifteen thousand
14 dollars (\$15,000.00) to be deducted from the Gross Settlement Amount.

15 10. No more than 15 calendar days after the entry of this Preliminary
16 Approval Order, Defendants shall provide the Settlement Administrator with the
17 class information for purposes of mailing the Notice Packet to the Settlement Class
18 Members.

19 11. No more than ten calendar days after the Settlement Administrator's
20 receipt of the class information, the Settlement Administrator shall mail copies of
21 the Notice Packet in English and Spanish to all Settlement Class Members by
22 regular First-Class Mail.

23 12. The parties are ordered to carry out the settlement according to the
24 terms of the Class Action Settlement and Release and Addendum and the Court's
25 Order.

26 13. The Motion for Final Approval of the Settlement, including requests
27 to approve the Class Representative Enhancement Payment, the LWDA payment,
28 the settlement administrator's payment, and Class Counsel's request for attorneys'

1 fees and costs, shall be filed and served no later than August 30, 2021.

2 14. A Final Approval Hearing will be held on September 27, 2021 at 1:30
3 p.m., to determine whether the Class Action Settlement and Release and Addendum
4 should be granted final approval as fair, reasonable, and adequate as to the
5 Settlement Class Members. The Court reserves the right to continue the date of the
6 Final Approval hearing without further notice to Class Members. The Court retains
7 jurisdiction to consider all further applications arising out of or in connection with
8 the Settlement Agreement.

9 15. Plaintiff's Counsel will file a declaration from the Settlement
10 Administrator regarding the administration of Class Notice, number of opt-outs, and
11 objections, if any, on September 20, 2021.

12 16. In the event the Settlement is not fully and finally approved, or
13 otherwise does not become effective in accordance with the terms of the Class
14 Action Settlement and Release and Addendum, this Order shall be rendered null
15 and void and shall be vacated, and the Parties shall revert to their respective
16 positions before entering into the Class Action Settlement and Release and
17 Addendum. If the Settlement does not become final for any reason, the fact that the
18 Parties were willing to agree to a settlement and the circumstances, proceedings,
19 and documents related to the proposed settlement shall have no bearing on, and will
20 not be admissible in connection with litigation, whether through issue preclusive,
21 estoppel or otherwise.

22 17. All proceedings in the action are stayed until Final Approval of the
23 Settlement.

24
25 Dated: June 15, 2021



26 Hon. Dale S. Fischer
27 United States District Judge
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