

1 Shaun Setareh (SBN 204514)  
Thomas Segal (SBN 222791)  
2 SETAREH LAW GROUP  
9665 Wilshire Boulevard, Suite 430  
3 Beverly Hills, California 90212  
Telephone: (310) 888-7771  
4 Facsimile: (310) 888-0109  
shaun@setarehlaw.com  
5 thomas@setarehlaw.com

6 Attorneys for Plaintiff  
CHRISTIANA BUSH  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 CHRISTIANA BUSH, on behalf of herself, all  
12 others similarly situated,

13 Plaintiff,

14 vs.

15 VACO LLC, a Tennessee limited liability  
16 company; GOOGLE LLC, a Delaware limited  
17 liability company; and DOES 1 to 50, inclusive,

18 Defendants.  
19

No. 5:17-cv-05605-BLF

~~10 [SECOND AMENDED PROPOSED]~~  
11 ORDER:

- 12 (1) PRELIMINARILY APPROVING PROPOSED SETTLEMENT;
- 13 (2) CONDITIONALLY CERTIFYING SETTLEMENT CLASSES;
- 14 (3) APPROVING CLASS NOTICE AND RELATED MATERIALS; AND
- 15 (4) SETTING HEARING FOR FINAL APPROVAL OF SETTLEMENT

16 Date: September 9, 2021  
17 Time: 11:00 a.m.  
18 Judge: Hon. Beth Labson Freeman  
19 Dept.: Courtroom 3  
20 280 South 1st St.  
21 San Jose, CA 95113

22 Complaint filed: August 24, 2017  
23 Trial date: None set  
24

1 Plaintiff Christiana Bush's Motion for Preliminary Approval of Class and Collective Action  
2 Settlement (the "Motion") came on regularly for hearing before this court on September 9, 2021 at  
3 11:00 a.m. The Court, having considered the proposed Amended Settlement Agreement (the  
4 "Settlement"), attached as Exhibit 1 to the Declaration of Jose Maria D. Patino, Jr. in Support of  
5 Plaintiff's Motion for Preliminary Approval Addressing Issues Raised at July 15, 2021 Hearing (Dkt.  
6 129); having considered the Motion, Memorandum of Points and Authorities in support thereof, and  
7 supporting declarations filed therewith, and any argument presented at the hearing on the Motion; and  
8 good cause appearing, HEREBY ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class and collective action settlement  
10 as set forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement  
11 that ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes of  
12 the Settlement only, the Court finds that the proposed settlement classes are ascertainable and that there  
13 is a sufficiently well-defined community of interest among the members of the settlement classes in  
14 questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional  
15 certification of the following settlement classes, which are defined as follows:

16 I. California Class: All persons employed by Vaco in California, who were assigned to  
17 work at Google in any of the roles of Order Audit Operation Specialist, Content Bug  
18 Technician, Expedition Associate, and/or Expedition Team Lead, at any time from  
19 August 12, 2013 through the date of preliminary court approval of the Settlement.

20 II. Expedition FLSA Class: All persons employed by Vaco in the United States, who were  
21 assigned to work at Google in the position of Expedition Associate and/or Expedition  
22 Team Lead, at any time from August 12, 2014 through the date of preliminary court  
23 approval of the Settlement.

24 2. The Court conditionally certifies the California Class solely for purposes of Settlement  
25 pursuant to Rule 23, Federal Rules of Civil Procedure, and conditionally certifies the Expedition FLSA  
26 Class as a collective action solely for purposes of Settlement, pursuant to section 16(b) of the Fair  
27 Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b).

28 ///

1           3.       For purposes of the Settlement, the Court designates Plaintiff Christiana Bush as Class  
2 Representative, and designates Shaun Setareh and Thomas Segal of Setareh Law Group as Class  
3 Counsel.

4           4.       The Court designates Phoenix Settlement Administrators as the third-party Settlement  
5 Administrator for mailing notices.

6           5.       The Court approves, as to form and content, the Class Notice Packet which includes:  
7 the Notice of Proposed Settlement (Exhibit A to the Settlement), Notice of Estimated Settlement  
8 Award (Exhibit B to the Settlement), and, for Expedition FLSA Class Members, the Consent to Join  
9 form (Exhibit C to the Settlement). Exhibits A and B shall be sent to California Class Members and  
10 Exhibits A, B, and C shall be sent to Expedition FLSA Class Members.

11          6.       The Court finds that the forms of notice to the California Class Members and the  
12 Expedition FLSA Class Members regarding the pendency of the action and of the Settlement, and the  
13 methods of giving notice to Class Members, constitute the best notice practicable under the  
14 circumstances, and constitute valid, due, and sufficient notice to all Settlement Class Members. The  
15 form and method of giving notice satisfies the requirements of law and due process.

16          7.       The Court further approves the procedures for California Class Members to opt out of  
17 the Settlement, Expedition FLSA Class Members to opt into the Settlement, and all Class Members to  
18 object to the Settlement, as set forth in the Class Notice Packets.

19          8.       The Court directs the Settlement Administrator to mail the Class Notice Packets to the  
20 Class Members in accordance with the terms of the Settlement.

21          9.       The Notices to Class Members shall provide at least 45 calendar days' notice from the  
22 date of initial mailing for California Class Members to opt out of the Settlement, Expedition FLSA  
23 Class Members to opt into the Settlement, and all Class Members to object to the Settlement, as set  
24 forth in the Class Notice Packets.

25          10.       Pursuant to the Class Action Fairness Act, 28 U.S.C. § 1711 *et seq.* ("CAFA"), not  
26 later than ten days after the Parties' joint motion seeking preliminary approval of the Settlement was  
27 filed in court, Defendants served upon the Attorney General of the United States and the appropriate  
28 state official of each state in which a Class Member resides a notice of the Settlement consisting of: a

1 copy of the pleadings in this action; a notice of the scheduled judicial hearings in this action; copies of  
 2 the Settlement and Class Notice Packets; and the names of Class Members who reside in each state  
 3 and the estimated proportionate share of the Class Members in each state compared to the entire  
 4 Settlement. The notice of Settlement also invited comment on the Settlement. Accordingly, the Court  
 5 finds that Defendants have discharged their obligations under CAFA to provide notice to the  
 6 appropriate federal and state officials.

7 11. The Final Approval Hearing on the question of whether the Settlement should be  
 8 finally approved as fair, reasonable, and adequate is scheduled for January 20, 2022 at 9:00 a.m.  
 9 Counsel for the parties shall file a motion for final approval of the Settlement no later than 30 days  
 10 before the Final Approval Hearing.

11 12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement  
 12 should be finally approved as fair, reasonable, and adequate for the Classes; (b) whether a judgment  
 13 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for  
 14 reasonable attorneys' fees, reimbursement of litigation expenses, representative payment to Plaintiff,  
 15 and settlement administration costs should be granted.

16 13. The implementation schedule is as follows:

Event	Date
Defendants to provide Class Data to Settlement Administrator no later than [30 days after preliminary approval]	October 9, 2021
Settlement Administrator to mail Class Notice Packets to Class Members no later than [15 days after receiving Class Data]	October 22, 2021
Deadline for Plaintiff to file Motion for Attorneys' Fees and Costs [14 days prior to objection submission deadline]	November 22, 2021
Deadline for Class Members to opt out, opt in, or object to, the Settlement, or submit disputes to the Settlement Administrator [45 days after mailing of Class Notice Packets]	December 6, 2021
Deadline for Parties to jointly file Motion for Final Approval of Class Action Settlement [30 days prior to Final Approval Hearing]	December 21, 2021
Deadline to file any other papers related to Final Approval (e.g., responses to objections or to Final Approval Motion) [14 days prior to Final Approval Hearing]	January 6, 2022
Final Approval Hearing	January 20, 2022 at 9:00 a.m.

1           14. Pending the Final Approval Hearing, all proceedings in this action, other than  
2 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order,  
3 are stayed.

4           15. The Court reserves the right to continue the date of the Final Approval Hearing without  
5 further notice to Class Members. The Court retains jurisdiction to consider all further applications  
6 arising out of or in connection with the Settlement.

7           **IT IS SO ORDERED.**

8           Dated: September 9, 2021



The Honorable Beth Labson Freeman  
District Court Judge

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28