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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FREDERICK SCHULZ, BRANDON
WARREN AND MATTHEW WARREN
on behalf of himself and all those similarly
situated,

Plaintiffs,

v.

DHL EXPRESS (USA), INC., Defendant.

Defendant.

Case No. 3:20-cv-04490-RS

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS SETTLEMENT**

Hearing Date: February 3, 2022

Hearing Time: 1:30 p.m.

Courtroom: 3, SF Courthouse, 17th Flr.

Judge: Hon. Richard Seeborg

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1 The motion of Plaintiffs FREDERICK SCHULZ, BRANDON WARREN and
2 MATTHEW WARREN for Preliminary Approval of Class Settlement was heard on
3 February 3, 2022, at 1:30 p.m. before the Honorable Richard Seeborg, United States District
4 Court - San Francisco Courthouse, Courtroom 3, via Zoom at [https://cand-](https://cand-uscourts.zoomgov.com/j/1606595725?pwd=OExjRVA5N01TQjRSRDZNM25PSThjUT09)
5 [uscourts.zoomgov.com/j/1606595725?pwd=OExjRVA5N01TQjRSRDZNM25PSThjUT09](https://cand-uscourts.zoomgov.com/j/1606595725?pwd=OExjRVA5N01TQjRSRDZNM25PSThjUT09)
6 Webinar ID: 160 659 5725, Password: 466459. The Court considered the papers submitted
7 by Plaintiffs, including the Class Action Settlement Stipulation and the proposed Class
8 Notice, and the arguments of counsel. Good cause appearing, the Court GRANTS Plaintiff's
9 Motion for Preliminary Approval and further orders as follows:

- 10 1. The Court finds that the Settlement Stipulation submitted as Exhibit 1 to the
11 Declaration of Rebecca Coll, incorporated by this reference and made a part of
12 this Order Granting Preliminary Approval, has no obvious deficiencies, and is
13 within the range of possible approval at the final approval hearing. It appears to
14 the Court on a preliminary basis that the settlement is fair and reasonable to the
15 settlement class members when balanced against the risk of further litigation
16 relating to liability and damages issues and potential appeals of rulings.
- 17 2. Significant investigation, research, and litigation have been conducted such that
18 counsel for the parties at this time are able to reasonably evaluate their respective
19 positions. Settlement at this time will avoid substantial costs, delay and risks that
20 would be presented by the further prosecution of the litigation. The proposed
21 settlement has been reached as a result of serious, informed, and non-collusive
22 negotiations between the parties.
- 23 3. The proposed settlement does not appear to improperly grant preferential
24 treatment to class representatives or segments of the class.
- 25 4. Provisional certification of the proposed settlement class, for settlement purposes
26 only, is appropriate under Federal Rule of Civil Procedure 23. The Court makes
27 the following findings:

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- a. The proposed settlement class is numerous and joinder would be impractical.
 - b. There are questions of law and fact that are common to the class.
 - c. The claims of the class are typical of the claims or defenses of the class.
 - d. Proposed class representatives Frederick Schulz, Brandon Warren and Matthew Warren will fairly and adequately protect the interests of the class.
 - e. The proposed settlement class is ascertainable, because the settlement class definition allows members of the settlement class to identify themselves, and because Defendant’s own records allow for identification of members of the settlement class.
 - f. Questions of law or fact common to class members predominate over any questions affecting only individual members.
 - g. A class action is superior to other available methods for fairly and efficiently adjudicating the parties’ controversy. Approving provisional certification of the settlement class will provide substantial benefits to the litigants and the courts.
5. The proposed third party claims administrator, Phoenix Settlement Administrators, is appointed to administer class notice and claims processing.
6. The proposed class notice attached hereto as Exhibit A fairly and adequately advises the settlement class of the terms of the proposed settlement and the benefits available to the settlement class, as well as their rights to opt out, object, and/or make a claim, and procedures for doing so, and of the Final Fairness and Approval Hearing, and the right of class members to oppose the settlement, and procedures for appearing at said hearing.
7. The procedure set forth in the Settlement Stipulation, except as modified herein, and the attachments hereto, set forth the sole and exclusive means for objecting to the settlement and opting out of the settlement. The Court further finds that said

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Class Notice comports with all Constitutional requirements, including those of due process, and that the proposed Class Notice is reasonable and adequate. Mailing to the last known address of members of the settlement class constitutes an effective method of notifying members of the settlement class of their rights with respect to the litigation and Settlement Stipulation.

8. IT IS THEREFORE ORDERED:

- a. The proposed settlement reflected in the Settlement Stipulation is granted preliminary approval.
- b. The following class is provisionally certified for settlement purposes only:
- c. Plaintiff Frederick Schulz, Brandon Warren, and Matthew Warren are approved as Class Representatives.
- d. Quadra & Coll, LLP is appointed as Class Counsel.
- e. Phoenix Settlement Administrators is appointed as the Claims Administrator.
- f. The proposed *cy pres* recipient Legal Aid at Work, is approved.
- g. The Class Notice attached as Exhibit A to the Settlement Agreement shall be sent by the Claims Administrator to all Class Members, via First Class United States mail, pursuant to the schedule set forth below. Prior to mailing the Class Notice, the Claims Administrator shall ensure that all blanks or placeholders in the notice are filled in accurately and completely. The Claims Administrator shall make efforts to secure accurate addresses as set forth in the Settlement Stipulation.
- h. Any member of the Settlement Class may submit a written objection to the Claims Administrator pursuant to the schedule set forth below. The Settlement Administrator shall immediately send all objections to counsel, and Class Counsel shall submit them to this Court as per the schedule below. Any member of the settlement class may appear at the Final

1 Approval Hearing regardless of whether the member has submitted a
2 timely written objection to the settlement.

- 3 i. The following schedule shall be followed, unless otherwise modified by
4 the Court:

Event	Added Days	Date
Preliminary Approval Order		2/3/2022
Defendant to provide Settlement Administrator with class member and workweek information	+21 days	2/24/2022
Claims Administrator to mail class notice	+21 days	3/17/2022
Opt-Out and Objection Deadline	+45 days	5/2/2022
Notice from Defendant of Withdrawal if 5% or more class members opt out	+21 days	5/23/2022
Motion for Final Approval Filed	+3 days	5/26/2022
Motion for Final Approval Heard	+35 days	6/30/2022
Final Effective Date (if approval granted on date of hearing and no appeal is filed)	+60 days	8/29/2022
Settlement Funded	+21 days	9/19/2022
Settlement Administrator to make payments	+14 days	10/3/2022

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20 j. If for any reason the Court does not enter a Judgment on the settlement,
21 the proposed Settlement Stipulation and all evidence and proceedings had
22 in connection therewith shall be inadmissible and without prejudice to the
23 status quo ante rights of the parties to the litigation.
- 24 k. Pending further order of this Court, all proceedings in this matter except
25 those contemplated herein and in the Settlement Stipulation are stayed.
26 The Court expressly reserves the right to adjourn or continue the Final
27 Approval Hearing from time to time without further notice to Class
28 Members.

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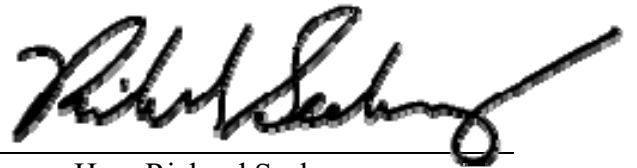
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1. The Final Approval Hearing shall be held in Department 3 of the Federal District Court for the Northern District of California in San Francisco at **1:30 p.m. on June 30, 2022** to consider the fairness, adequacy and reasonableness of the proposed settlement agreement, preliminarily approved by this Order Granting Preliminary Approval, and to consider the application of Class Counsel for an award of reasonable attorneys' fees and litigation expenses incurred, and the request for enhancement payments to the class representatives. Class members are instructed to check the Court's website at <https://www.cand.uscourts.gov/judges/seeborg-richard-rs/> in advance of the hearing to determine whether the hearing will take place virtually or in person.

m. The Court retains exclusive and continuing jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement.

IT IS SO ORDERED.



Dated: February 3, 2022

Hon. Richard Seeborg