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9 an individual, and on behalf of others
10 similarly situated

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 ARTHUR THOMPSON, an individual,
14 and on behalf of others similarly situated,

15 Plaintiff,

16 v.

17 NSC TECHNOLOGIES, LLC, a Virginia
18 limited liability corporation; BAE
19 SYSTEMS, INC., a Delaware
20 corporation; and DOES 1 through 50,
21 inclusive,

22 Defendants.

CASE NO. 3:20-CV-00371-JO-MSB

**ORDER GRANTING PLAINTIFF'S
RENEWED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

ORDER

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2 Plaintiff Arthur Thompson’s (“Plaintiff”) Renewed Motion for Preliminary
3 Approval of Class Action Settlement came on regularly for hearing on November
4 30, 2022 at 9:30 a.m. before the Honorable Jinsook Ohta, district judge presiding.
5 The Court, having considered Plaintiff’s motion, the Declaration of Matthew J.
6 Matern and all exhibits thereto, including the Stipulation of Class Action Settlement
7 and Release (“Stipulation”), the Declaration of Arthur Thompson, and for good
8 cause appearing, HEREBY ORDERS AS FOLLOWS:

9 1. The Court finds on a preliminary basis that Plaintiff and Class Counsel
10 have adequately represented the Class Members, the proposed Settlement was
11 negotiated at arm’s length, the relief provided to the Class Members is adequate; and
12 the proposed Settlement treats Class Members equitably relative to each other. The
13 Court therefore finds on a preliminary basis that the Settlement meets the
14 requirements for preliminary approval.

15 2. The Court approves, as to form and content, the Notice of Class Action
16 Settlement, attached as Exhibit B to the Stipulation. The Court finds that the
17 mailing of the Notice Packets to each Class Member’s last known address as
18 updated is the best notice practicable under the circumstances, and when completed,
19 shall constitute due and sufficient notice of the class action, proposed Settlement,
20 and the final approval hearing to all persons entitled to such notice in full
21 compliance with the requirements of due process and the Federal Rules of Civil
22 Procedure.

23 3. The Court finds, for settlement purposes only, that the class meets the
24 requirements for certification under Federal Rules of Civil Procedure, Rule 23, in
25 that: (1) the class is so numerous that joinder of all Class Members is impracticable;
26 (2) there are questions of law and fact common to the Class Members; (3) Plaintiff’s
27 claims are typical of the claims of the Class Members; (4) Plaintiff and his counsel
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1 will fairly and adequately protect the interests of the Class Members; (5) questions
2 of law and fact common to Class Members predominate over any questions
3 affecting only individual Class Members; and (6) a class action is superior to other
4 available methods for fairly and efficiently adjudicating the controversy.

5 4. The Court hereby provisionally certifies the following class:

6 All individuals employed by NSC Technologies, Inc. and placed to
7 work at the BAE Systems San Diego Ship Repair Inc. facility at 2205
8 E. Belt Street in San Diego, California, as hourly non-exempt
employees between January 10, 2016, and August 8, 2021.

9 5. The Court finds that the members of the FLSA Settlement Class are
10 similarly situated and hereby provisionally certifies the following FLSA Settlement
11 Class pursuant to 29 U.S.C. § 216(b):

12 All individuals employed by NSC Technologies, Inc. and placed to
13 work at the BAE Systems San Diego Ship Repair Inc. facility at 2205
14 E. Belt Street in San Diego, California, as hourly non-exempt
employees between January 10, 2016, and August 8, 2021.

15 6. The Court appoints Plaintiff Arthur Thompson as class representative.

16 7. The Court appoints Matthew J. Matern and Scott A. Brooks of Matern
17 Law Group, PC to serve as class counsel.

18 8. The Court appoints Phoenix Settlement Administrators as the
19 Settlement Administrator. The Court authorizes the Settlement Administrator to
20 mail the Notice Packets to the Class Members and to publish the Publication Notice,
21 pursuant to the terms of the Stipulation.

22 9. A hearing to determine whether the Settlement is fair, reasonable and
23 adequate to the Class Members and whether the Settlement should be finally
24 approved (“Final Approval Hearing”) shall be held on March 29, 2023 at 9:30 a.m.,
25 in Courtroom 4C of the United States District Court for the Southern District of
26 California, located at 221 W. Broadway, San Diego, California, 92101. The Court
27 reserves the right to adjourn or continue the date of the Final
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1 Approval Hearing without further notice to Class Members, and retains jurisdiction
2 to consider all further applications or motions arising out of or connected with the
3 Settlement.

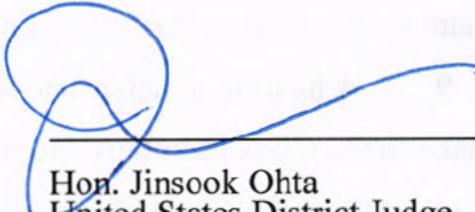
4 10. The Parties are ordered to carry out the Settlement according to the
5 terms of the Settlement.

6 11. The Court sets the following deadlines:

8 Deadline for Defendants to provide Class List to Settlement Administrator	Within 10 calendar days of entry of the Preliminary Approval Order
9 Deadline for Settlement Administrator to mail Notice Packets to Class Members	Within 10 calendar days after receiving Class List from Defendants
10 Deadline for Class Members to submit a Request for Exclusion Form, Notice of Objection, or dispute (“Response Deadline”)	30 calendar days after Notice Packets are mailed by the Settlement Administrator to Class Members
11 Deadline for Class Counsel to file Motion for Attorneys’ Fees and Costs	10 days after Response Deadline
12 Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement	10 days after Response Deadline

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20 IT IS SO ORDERED.

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22 Dated: December 5, 2022



Hon. Jinsook Ohta
United States District Judge
Southern District of California