

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JAVIER RODRIGUEZ, JORGE
ESQUILIN, HARRY CHARCALIS, and
DARREN COUTURIER, individually and
on behalf of all persons similarly situated,

Plaintiffs,

v.

TRI-WIRE ENGINEERING SOLUTIONS,
INC.; COMCAST CORPORATION; and
COMCAST CABLE COMMUNICATIONS
MANAGEMENT, LLC,

Defendants.

No.: 1:21-cv-10752

Hon. Patti B. Saris, U.S.D.J.

**[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR
APPROVAL OF COLLECTIVE SETTLEMENT AND PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

AND NOW, this _____ day of _____, 2023, upon consideration of Plaintiffs' Unopposed Motion for Approval of Collective Settlement and Preliminary Approval of Class Action Settlement, the Court grants Plaintiffs' Motion and ORDERS as follows:

1. The Court grants approval to the terms and conditions contained in the Settlement as a fair and reasonable resolution of a *bona fide* dispute under the Fair Labor Standards Act;
2. For settlement purposes, the Court certifies the following Settlement Collective as an FLSA collective actions pursuant to 29 U.S.C. § 216(b), pending final approval of the settlement: all individuals employed by Tri-Wire as hourly non-exempt employees working as Technicians between May 5, 2018 and October 29, 2021, and whose opt-in consent form has been filed (and not withdrawn) in this Action.

3. For settlement purposes, the Court preliminarily certifies the each of the following State Classes pursuant to Fed. R. Civ. P. 23(a) and (b)(3), pending final approval of the settlement:

- *Maine Class*: all individuals employed in Maine by Tri-Wire who provided services for the customers of Comcast, in whole or in part, as hourly non-exempt employees working as Technicians between May 5, 2018 and October 29, 2021;
- *Massachusetts Class*: all individuals employed in Massachusetts by Tri-Wire who provided services for the customers of Comcast, in whole or in part, as hourly non-exempt employees working as Technicians between May 5, 2018 and October 29, 2021;
- *New Hampshire Class*: all individuals employed in New Hampshire by Tri-Wire who provided services for the customers of Comcast, in whole or in part, as hourly non-exempt employees working as Technicians between May 5, 2018 and October 29, 2021;
- *New Jersey Class*: all individuals employed in New Jersey by Tri-Wire who provided services for the customers of Comcast, in whole or in part, as hourly non-exempt employees working as Technicians between May 5, 2015 and October 29, 2021; and
- *Pennsylvania Class*: all individuals employed in Pennsylvania by Tri-Wire who provided services for the customers of Comcast, in whole or in part, as hourly non-exempt employees working as Technicians between May 5, 2018 and October 29, 2021.

4. Plaintiffs Javier Rodriguez, Jorge Esquilin, Harry Charcalis, and Darren Couturier are preliminarily approved as Settlement Class Representatives for the State Classes and Collective;

5. Berger Montague PC and Schneider Wallace Cottrell Konecky, LLP are preliminarily approved as Class Counsel for the Settlement Class and Collective;

6. The Court finds that it will likely be able to approve the proposal Settlement as fair, reasonable, and adequate pursuant to Fed. R. Civ. P. 23(e), and thus grants preliminarily approval of the Settlement;

7. The Settlement Administrator, Phoenix Class Action Administration Solutions, is appointed to serve as the Settlement Administrator.

8. National Employment Law Project is preliminarily approved as the *cy pres* recipient of any monies remaining in the Settlement Fund, in accord with the terms of the Settlement;

9. The Court approves the Notice of Settlement, attached as Exhibits A and B to the Settlement Agreement ("Settlement Notice"), and finds that the proposed method of disseminating the Settlement Notice meets the requirements of due process and is the best notice practicable under the circumstances, and authorizes dissemination of the Settlement Notice to members of the Settlement Class, in accord with the terms of the Settlement; and

10. The following schedule and procedures for completing the final approval process as set forth in the Parties' Settlement Agreement are hereby approved:

Comcast to send CAFA Notice	Within ten (10) days after submission of the Settlement Agreement to the Court
Comcast to Provide Settlement Administrator and Class Counsel with Settlement Class Information	Within ten (10) business days after the Court's Preliminary Approval Order
Settlement Administrator's completion of reasonable efforts to identify current addresses for members of the State Classes and Collective	As soon as practicable
Settlement Notice to Be Sent by Settlement Administrator	Within ten (10) business days after the Settlement Administrator completes reasonable efforts to identify current addresses
Deadline to Postmark Objections or Requests for Exclusion ("Notice Deadline")	Sixty (60) days after the Settlement Notice is initially mailed
Filing of Plaintiffs' Motion for Approval of Attorneys' Fees and Costs, and Plaintiffs' Service Awards	Twenty one (21) days prior to the Notice Deadline
Filing of Plaintiffs' Motion for Final Approval of Settlement	Fourteen (14) days prior to the Final Approval Hearing
Final Approval Hearing	At the Court's convenience, no earlier than thirty (30) days after the Notice Deadline

The Final Approval hearing is hereby set for _____, 2023 at _____
a.m./p.m. in Courtroom 19, 7th Floor, of the John Joseph Moakley U.S. Courthouse, 1 Courthouse
Way, Suite 2300, Boston, Massachusetts 02210.

IT IS SO ORDERED this _____ day of _____ 2023.

HON. PATTI B. SARIS
UNITED STATES DISTRICT JUDGE