

**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.

**PLAINTIFFS' UNOPPOSED MOTION FOR APPROVAL OF COLLECTIVE
SETTLEMENT AND PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Plaintiffs Javier Rodriguez, Jorge Esquilin, Harry Charcalis, and Darren Couturier (collectively, "Plaintiffs") hereby move the Court for preliminary approval of the Settlement as to the proposed State Classes and approval of the Settlement as to the Collective pursuant to Fed. R. Civ. P. 23(a) and (b)(3) and 29 U.S.C. § 216(b), respectively. In particular, Plaintiffs move for an Order:

- (1) Granting preliminary approval of the Settlement as to the Maine, Massachusetts, New Hampshire, New Jersey, and Pennsylvania Classes ("State Classes"), pursuant to Fed. R. Civ. P. 23(e);
- (2) Preliminarily certifying the State Classes for settlement purposes pursuant to Fed. R. Civ. P. 23(a) and (b)(3);

(3) Granting approval of the Settlement as to the Collective as a fair and reasonable resolution of a *bona fide* dispute, pursuant to 29 U.S.C. § 216(b);

(4) Approving the proposed schedule and procedure for completing the final approval process for the Settlement, including the Court's Final Approval Hearing;

(5) Approving the Notice of Settlement to be sent to State Class Members and Collective Members ("Settlement Notice," attached respectively as Exhibits A and B to the Settlement);

(6) Preliminarily appointing Plaintiffs Javier Rodriguez, Jorge Esquilin, Harry Charcalis, and Darren Couturier as Class Representatives for the respective State Classes and Collective Representatives of the Collective;

(7) Preliminarily approving Schneider Wallace Cottrell Konecky LLP and Berger Montague PC as Co-Lead Class Counsel for the State Classes and Co-Lead Collective Counsel for the Collective;

(8) Appointing Phoenix Class Action Administration Solutions as the Settlement Administrator;

(9) Approving the Settlement Notice and notice plan identified in the Settlement; and

(10) Approving the following proposed implementation schedule:

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	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

Plaintiffs bring this Motion pursuant to Federal Rule of Civil Procedure 23(e) and long-established case law precedent requiring Court approval for Fair Labor Standards Act settlements. This Motion is based on the accompanying Memorandum of Law and the Declaration of Ori Edelstein filed herewith, and all other records, pleadings, and papers on file in this action and such other evidence or argument as may be presented to the Court. Defendants Comcast does not oppose the relief requested by this Motion.

Plaintiffs also submit herewith a Proposed Order Granting Plaintiffs’ Unopposed Motion for Approval of Collective Settlement and Preliminary Approval of Class Action Settlement.

Dated: March 17, 2023

Respectfully submitted,

/s/ Ori Edelstein

Carolyn H. Cottrell (*to be admitted pro hac vice*)

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*Attorneys for Plaintiffs, the Collective, and
the Proposed Classes*

CERTIFICATE OF CONFERENCE

In accord with LR 7.1(a)(3), I hereby certify that Plaintiffs' counsel has conferred with counsel for Defendants Comcast Corporation and Comcast Cable Communications, LLC and that Defendants assent to the relief requested.

/s/ Ori Edelstein
Ori Edelstein

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2023, a copy of this document was served by electronic filing on all counsel of record.

/s/ Ori Edelstein
Ori Edelstein