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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

STEVE THOMA,

Plaintiff,

vs.

CBRE GROUP, INC.; CBRE, INC.;  
J.P. MORGAN CHASE NATIONAL  
CORPORATE SERVICES, INC.; J.P.  
MORGAN CHASE BANK, NA; J.P.  
MORGAN CHASE & CO; and DOES  
1-50,

Defendants.

Case No.: 2:16-cv-06040-CBM-AJW

**ORDER GRANTING MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT  
[107]**

OMM  
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~~PROPOSED~~ ORDER GRANTING PRELIMINARY APPROVAL

2 The Court, having considered the parties' Joint Stipulation of Class Action  
3 Settlement and Release ("Stipulation") and all other materials properly before the  
4 Court, and having conducted an inquiry pursuant to Section 216(b) of the Fair  
5 Labor Standards Act of 1938 and Rule 23 of the Federal Rules of Civil Procedure,  
6 hereby finds and orders as follows:

7 1. Unless otherwise defined herein, all terms used in this Order (the  
8 "Order Granting Preliminary Approval") will have the same meaning as defined  
9 in the Stipulation.

10 2. The Court has jurisdiction over the subject matter of this action,  
11 Plaintiff, Defendants J.P. Morgan Chase National Corporate Services, Inc., J.P.  
12 Morgan Chase Bank, NA, and J.P. Morgan Chase & Co. ("Settling Defendants"),  
13 the Class Members, and the FLSA Collective Members.

14 3. The Court finds on a preliminary basis that the settlement  
15 memorialized in the Stipulation, filed with the Court, falls within the range of  
16 reasonableness and, therefore, meets the requirements for preliminary approval  
17 such that notice to the Classes is appropriate.

18 4. The Court finds that the Settlement was the product of protracted,  
19 arms-length negotiations between experienced counsel well-versed in the  
20 prosecution of wage and hour class and collective actions.

21 5. The Court grants preliminary approval of the parties' Stipulation.

22 **Certification of the Proposed Rule 23 Classes For Settlement Purposes Only**

23 6. Provisional settlement, class certification, and appointment of class  
24 counsel have several practical purposes, including avoiding the costs of litigating  
25 class status while facilitating a global settlement, ensuring all class members are  
26 notified of the terms of the proposed Stipulation, and setting the date and time of  
27 the final approval hearing.

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1           12. The Court approves Kurtzman Carson Consultants LLC (“KCC”) as  
2 the Claims Administrator to perform duties in accordance with Section VII of the  
3 Stipulation.

4           13. The Court finds that the procedures for notifying the Class and FLSA  
5 Collective Members about the Settlement as described in the Stipulation provide  
6 the best notice practicable under the circumstances and therefore meet the  
7 requirements of due process, and directs the mailing of the Notices in accordance  
8 with the Stipulation.

9           14. The Court approves, as to form and content, the Class Notice, attached  
10 to the Stipulation as Exhibit B, and Claim Form, attached to the Stipulation as  
11 Exhibit A. The Claims Administrator is authorized to mail these documents, after  
12 they are updated with the appropriate dates and deadlines consistent with the  
13 Stipulation, to the applicable Class Members and FLSA Collective Members as  
14 provided in the Stipulation.

15           15. The Class Notice adequately puts Class Members and FLSA  
16 Collective Members on notice of the proposed settlement. The Class Notice is  
17 appropriate because it describes the terms of the settlement, informs the class about  
18 the allocation of attorneys’ fees, and provides specific information regarding the  
19 date, time, and place of the final approval hearing.

20           16. Any Request for Exclusion and/or Claim Form must be sent to the  
21 Claims Administrator no later than sixty (60) days after the Class Notice is mailed  
22 to the Class Member and/or FLSA Collective Member. The Claims Administrator  
23 will provide any such Request for Exclusions to Class Counsel for filing prior to the  
24 hearing on the Motion for Judgment and Final Approval.

25           17. Any written objection by a Qualified Claimant must be filed with the  
26 Court and served upon all counsel of record no later than five (5) days after the  
27 filing of the motion for final approval of the Settlement Agreement, and such  
28 deadline applies notwithstanding any argument regarding non-receipt of the notice.

1 Anyone who fails to file and serve timely written objections in this manner shall be  
2 deemed to have waived any objections and shall be foreclosed from making any  
3 objection to the Settlement and from filing any appeal from any final approval order  
4 issued by the Court. The Parties may file a response to any objections submitted by  
5 objecting Class Members at or prior to the hearing for final approval of the  
6 Settlement. Class Members shall be permitted to withdraw their objections in  
7 writing by submitting a withdrawal statement to the Settlement Administrator not  
8 later than one (1) business day prior to the Court's hearing on the Motion for  
9 Judgment and Final Approval.

10 **Class Action Settlement Procedure**

11 18. The Court hereby adopts the settlement approval process as set forth in  
12 the Stipulation.

13 19. In the event that the Effective Date as defined in the Stipulation does  
14 not occur, the Settlement, the Stipulation, and this Order shall be deemed null and  
15 void and shall have no effect whatsoever, other than the confidentiality and non-  
16 disclosure provisions in Section XIV and the non-admission provisions in  
17 Paragraph 57(a) of the Stipulation, which shall remain in effect. In such case,  
18 nothing in the Stipulation or this Order shall be relied upon, cited as, constitute  
19 evidence of, or constitute an admission that class or collective action certification is  
20 or may be appropriate in this action or any other matter.

21 20. Pending the Court's decision on final approval of the Settlement and  
22 entry of the Court's Final Order and Judgment, Plaintiff and all Class Members,  
23 except those who opt out of the Settlement Agreement, and anyone acting on  
24 behalf of any Class Member shall be barred and enjoined from: (a) further  
25 litigation in this Action against Settling Defendants; (b) filing, or taking any action  
26 directly or indirectly, to commence, prosecute, pursue or participate on a class or  
27 collective action basis any action, claim or proceeding against Defendants in any  
28 forum in which any of the claims subject to the Settlement are asserted, or which in

1 any way would prevent any such claims from being extinguished; or (c) seeking,  
2 whether on a conditional basis or not, certification of a class or collective action  
3 that involves any such claims.

4 21. The parties are ordered to carry out the Settlement according to the  
5 terms of the Stipulation.

6 22. The Court will conduct a Final Approval and Fairness Hearing on  
7 October 16, 2018 at 10:00 a.m. for the purposes of: (a) making a final  
8 determination of the fairness, adequacy, and reasonableness of the Settlement terms  
9 and procedures; (b) fixing the amount of attorneys' fees and litigation costs and  
10 expenses to Class Counsel and Service Enhancement award to the Plaintiff; (c)  
11 hearing any timely and properly filed objections; and (d) entering Judgment. The  
12 Final Approval and Fairness Hearing may be continued without further notice to  
13 Class Members and/or FLSA Collective Members. The parties shall file their joint  
14 motion for final approval of the settlement, and Class Counsel shall file their  
15 motion for attorneys' fees, litigation costs and expenses, and Service Enhancement  
16 award on or before September 18, 2018.

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18 **IT IS SO ORDERED.**

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21 Dated: April 17, 2018.

  
22 Honorable Consuelo B. Marshall  
23 Judge, United States District Court  
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