

BRYAN SCHWARTZ LAW
BRYAN SCHWARTZ (SBN: 209903)
WILLIAM C. WEEKS (SBN: 289984)
1330 Broadway, Suite 1630
Oakland, CA 94612
Telephone: (510) 444-9300
Facsimile: (510) 444-9301
Email: bryan@bryanschwartzlaw.com
Email: bill@bryanschwartzlaw.com

RUDY, EXELROD, ZIEFF & LOWE, L.L.P.
DAVID A. LOWE (SBN: 178811)
JOHN T. MULLAN (SBN: 221149)
351 California Street, Suite 700
San Francisco, CA 94104
Telephone: (415) 434-9800
Facsimile: (415) 434-0513
Email: dal@rezlaw.com
Email: jtm@rezlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PETER WRIGHT and MICHELLE TRAME,
individually, on behalf of all others similarly
situated, and on behalf of the general public,

Plaintiffs,

v.

ADVENTURES ROLLING CROSS
COUNTRY, Inc., dba ADVENTURES
CROSS COUNTRY (ARCC), a California
Corporation, SCOTT VON ESCHEN, and
DOES 1 through 50 inclusive

Defendants.

Case No. CV 12-00982 EMC

**REVISED [PROPOSED] ORDER
GRANTING PLAINTIFFS'
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT, AND APPROVAL OF
CLASS NOTICE AND SETTLEMENT
ADMINISTRATOR**

Date: September 19, 2013

Time: 1:30 P.M.

Place: Courtroom 5, 17th Floor
Honorable Edward M. Chen

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TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

Plaintiffs' unopposed motion for preliminary approval of the class action settlement came before this Court, Hon. Edward M. Chen presiding, on September 19, 2013. The Court, having considered the papers submitted in support of the application of the parties, HEREBY ORDERS THE FOLLOWING:

1. To the extent defined in the Stipulation and Class Action Settlement Agreement (the "Settlement Agreement"), filed concurrently herewith and incorporated by reference herein, the terms in this Order shall have the meanings set forth therein.

2. The Court grants preliminary approval of the Settlement based upon the terms set forth in the Settlement Agreement, attached to the Declaration of Bryan Schwartz as Exhibit 1. The Settlement appears to be fair, adequate, and reasonable to the Class.

3. The Settlement is supported by the recommendations of counsel and was negotiated at arms' length, and is thus presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.

4. To comply with the Ninth Circuit's decision in *In re Bluetooth Headset Litig.*, 654 F.3d 935 (9th Cir. 2011), Class Counsel will file their motion for fees and costs more than 15 days before the final approval motion deadline.

5. A final fairness hearing on the question of whether the proposed Settlement, attorneys' fees to Class Counsel, and the Class Representative's enhancement payments should be finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled for January 2, 2014 at 1:30 p.m., in the Courtroom of the Hon. Edward M. Chen, Courtroom 5. ~~If no objections are properly filed, the Court will accelerate the final approval hearing to December 19, 2013.~~

6. The *cy pres* recipients identified in the Settlement, Legal Aid Society-Employment Law Center and Summer Search, appear to meet the tests under *Dennis v. Kellogg Co.*, 697 F.3d 858, 865 (9th Cir. 2013), "that there be a driving nexus between the plaintiff class

1 and the *cy pres* beneficiaries.”

2 7. The Court approves, as to form and content, the Notice of Class Action Settlement
3 ("Notice") attached to the Settlement Agreement as Exhibit A and the Opt-in/Claim Form in
4 substantially the form attached thereto as Exhibit B, with the minor revisions noted in Plaintiffs'
5 Supplemental Statement in Support of Motion for Preliminary Approval of Class Action
6 Settlement (Dkt. #157), to wit: that if a class member returns both a claim form and a request for
7 exclusion, then the claims administrator will contact the class member to seek clarification as to
8 the class member's true preference; the parties will add each class member's own anticipated
9 minimum allocation to the front of the notice each receives; the parties will clarify the chart on
10 page 2 of the notice so that it is clear that the "object" option clearly does not mean opting out of
11 the class; and the parties will revise the response to Question 2 in the notice to say "pay the
12 wages" instead of "pay the way." The Court approves the procedure for Class Members to
13 participate in, to opt out of, and to object to the Settlement as set forth in the Notice.

14 8. The Court directs the mailing of the Notice and the Claim Form by first-class mail
15 to the Class Members in accordance with the Implementation Schedule set forth below. The
16 Court finds the dates selected for the mailing and distribution of the Notice and the Claim Form,
17 as set forth in the Implementation Schedule, meet the requirements of due process and provide
18 the best notice practicable under the circumstances and shall constitute due and sufficient notice
19 to all persons entitled thereto.

20 9. The Court confirms Bryan Schwarz Law and Rudy, Exelrod, Zieff & Lowe, LLP
21 as Class Counsel.

22 10. The Court confirms Simpluris, Inc. as the Claims Administrator, and preliminarily
23 approves settlement administration fees and expenses to the Claims Administrator not to exceed
24 \$20,000.

25 11. The Court orders the following Implementation Schedule for further proceedings:

26 Deadline for Claims Administrator to 27 Mail the Notice and the Opt-in and 28 Claim Form to Class Members	October 10, 2013
Deadline for Class Members to Postmark	45 Days after Notice of Proposed

Claim Forms, Request Exclusion from the Class (opt out) and serve written objections to the Settlement.	Class Action Settlement and Opt-in and Claim Form is mailed by the Claims Administrator (on or before November 25, 2013)
Deadline for Class Counsel to file fee petition.	15 days before the expiration of the 45 day period to file Opt-in and Claim Forms (on or before November 8, 2013)
Deadline for Class Counsel to file Motion for Final Approval of Settlement, Motion for Attorneys' Fees, Costs, and Enhancement Award	5 Days after the Expiration of the 45 Day Period to File Opt-in and Claim Forms (on or before November 28, 2013)
Final Fairness Hearing and Final Approval	If proper objections are filed: January 2, 2014, 1:30 p.m. If no proper objections are filed: December 19, 2013, 1:30 p.m.

IT IS SO ORDERED.

Dated: ^{9/24}_____, 2013

