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

MANUELA RUELAS MENDOZA,
behalf of herself
and all others similarly situated,

Plaintiff,

vs.

PACER CARTAGE, INC.; and DOES 1
through 100, inclusive,

Defendants.

CASE NO. 3:13CV2344-LAB (JMA)

HON. LARRY ALAN BURNS

**ORDER PRELIMINARILY
APPROVING SETTLEMENT,
PROVIDING FOR NOTICE, AND
SETTING FINAL APPROVAL
HEARING**

1 Settlement Administrator together with the costs of notice, shall be paid by Defendant,
2 and without further order of the Court.

3 9. Settlement Class Members shall be bound by all determinations and
4 judgments in this Action with respect to the Settlement reflected in the Stipulation,
5 whether favorable or unfavorable, unless such persons request exclusion from the Class
6 in a timely and proper manner, as hereinafter provided.

7 10. A Settlement Class Member wishing to request exclusion shall mail the
8 request in written form, by first class mail, postage prepaid, and postmarked no later than
9 45 calendar days from the date the Class Notice is mailed, to the address specified in the
10 Settlement Notice. Such request for exclusion shall clearly indicate the name and address
11 of the person seeking exclusion, that the sender requests to be excluded from the Class in
12 Mendoza v. Pacer Cartage, Inc., USDC Case No. 2344-LAB, and must be signed by such
13 person. The request for exclusion shall not be effective unless it provides the required
14 information and is made within the time stated above, or the exclusion is otherwise
15 accepted by the Court. Copies of all requests for exclusion received by the Settlement
16 Administrator shall be delivered to Class Counsel and counsel for Defendant within 5
17 business days of receipt thereof.

18 11. Settlement Class Members requesting exclusion from the Settlement Class
19 shall not be entitled to receive any payment as defined in the Stipulation.

20 12. Any Settlement Class Member may enter an appearance in this litigation, at
21 his, her, or its own expense, individually or through counsel of their choice. Any
22 Settlement Class Member who does not enter an appearance will be represented by Class
23 Counsel.

24 13. The Court will consider comments and/or objections to the Settlement
25 reflected in the Stipulation or the award of attorneys' fees and reimbursement of expenses
26 only if such comments or objections and any supporting papers are filed in writing with
27 the Clerk of the Court, United States District Court for the Southern District of

1 California, 333 West Broadway, Suite 1410, San Diego, California, 92101, and copies of
2 all such papers are served, on or before June 7, 2011 on the following counsel:

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4 **CLASS COUNSEL**

5 Kabateck Brown Kellner, LLP
6 Brian S. Kabateck, Esq.
7 Joshua H. Haffner.
8 644 S. Figueroa Street
9 Los Angeles, CA 90017

4 **DEFENDANT'S COUNSEL**

5 Scopelitis, Garvin, Light, Hanson
6 & Feary, P.C.
7 James H. Hanson, Esq.
8 10 W. Market Street, Suite 1500
9 Indianapolis, IN 46204

8 Attendance at the Settlement Fairness Hearing is not necessary; however, persons
9 wishing to be heard orally in opposition to the approval of the Stipulation, and/or the
10 request for attorneys' fees are required to indicate in their written objection their intention
11 to appear at the hearing. Persons who intend to object to the Stipulation and/or Class
12 Counsel's application for an award of attorneys' fees and reimbursement of expenses and
13 desire to present evidence at the hearing thereon must include in their written objections
14 the identity of any witnesses they may call to testify and exhibits they intend to introduce
15 into evidence at said hearing.

16 14. Settlement Class Members do not need to appear at the hearing or take any
17 other action to indicate their approval.

18 15. All papers in support of final approval of the Settlement reflected in the
19 Stipulation, and the application of Class Counsel for an award of attorneys' fees and
20 reimbursement of expenses shall be filed and served no less than fourteen (14) days
21 before the Settlement Fairness Hearing.

22 16. If: (i) the Stipulation is terminated by Defendant; or (ii) any specified
23 condition to the Settlement set forth in the Stipulation is not satisfied and the satisfaction
24 of such condition is not waived by the parties thereto; or (iii) the Court rejects, in any
25 respect, the Order and Final Judgment in substantially the form and content annexed to
26 the Stipulation and Class Counsel and Counsel for the Defendant do not consent to the
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1 entry of another form of order in lieu thereof, or (iv) the Court rejects the Stipulation,
2 including any amendment thereto approved by Class Counsel and Counsel for the
3 Defendant; or (v) the Court approves the Stipulation, including any amendment thereto
4 approved by Class Counsel and Counsel for the Defendant, but such approval is reversed
5 on appeal and such reversal becomes final; or (vi) the Settlement reflected in the
6 Stipulation is terminated or this Order does not become effective for any reason, then, in
7 any such event, this Order Preliminarily Approving Settlement and Providing for Notice
8 shall be null and void as to the applicable, parties, of no further force or effect, and
9 without prejudice to any party, and may not be introduced as evidence or referred to in
10 any actions or proceedings by any person or entity.

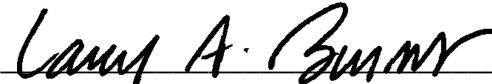
11 17. The Court retains jurisdiction over the parties, including the power to
12 consider whether or not the proposed Settlement reflected in the Stipulation should be
13 approved pursuant to Fed. R. Civ. P. 23(e).

14 18. The magistrate judge will retain jurisdiction over this class action to
15 consider all further matters arising out of or connected with the Settlement reflected in
16 the Stipulation, including enforcement of the release provided for in the Stipulation. All
17 counsel and named parties should sign and submit the consent form as required in the
18 Court's standing order, paragraph 3(a).

19 **IT IS SO ORDERED.**

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Dated: February 26, 2016


Honorable Larry Alan Burns
United States District Judge