

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OMAR ZINE, et al.,
Plaintiffs,

v.

NESPRESSO USA, INC., et al.,
Defendants.

Case No. 20-cv-05144-SK

**ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Regarding Docket No. 53

On December 12, 2022, this Court conducted a hearing on Plaintiffs' Unopposed Motion for Preliminary Approval of the Class Action and PAGA Settlement (the "Motion"). Having considered the Motion and the points and authorities submitted in support of the Motion, including the Joint Stipulation of Class Action and PAGA Settlement and Release ("Settlement Agreement" or "Settlement"), and good cause appearing, IT IS HEREBY ORDERED that the Motion is GRANTED, subject to the following findings, orders, and alterations:

1. This Order incorporates by reference the Settlement Agreement, and unless indicated otherwise, all capitalized terms used herein will have the same meaning as set forth in the Settlement Agreement.

2. Preliminary Approval of Proposed Settlement. The Settlement, including all exhibits thereto, is preliminarily approved as fair, reasonable, and adequate and within the range of reasonableness for preliminary settlement approval. The Court finds that (a) the Agreement resulted from extensive arm's length negotiations between experienced counsel; and (b) the Agreement is sufficient to warrant notice of the Settlement to persons in the Settlement Class, and a full hearing on the approval of the Settlement.

3. Class Certification for Settlement Purposes Only. Pursuant to Fed. R. Civ. P. 23 (c), the Court conditionally certifies, for settlement purposes only, the following Settlement Class:

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1 The Settlement Class shall be conditionally certified for settlement purposes only and shall
 2 consist of all persons employed in California by Defendant as non-exempt employees at
 3 any time during the period from June 3, 2016 through January 4, 2022.

4 In connection with this conditional certification, the Court makes the following preliminary findings
 5 for settlement purposes only:

- 6 a) The Settlement Class appears to be so numerous that joinder of all members is
 7 impracticable;
- 8 b) There appear to be questions of law or fact common to the Settlement Class for purposes
 9 of determining whether this Settlement should be approved;
- 10 c) The Named Plaintiff's claims appear to be typical of the claims being resolved through
 11 the proposed Settlement;
- 12 d) The Named Plaintiff appears to be capable of fairly and adequately protecting the
 13 interests of the Settlement Class Members in connection with the proposed Settlement;
- 14 e) Common questions of law and fact appear to predominate over questions affecting only
 15 individual persons in the Settlement Class. Accordingly, the Settlement Class appears
 16 to be sufficiently cohesive to warrant settlement by representation and
- 17 f) Certification of the Settlement Class appears to be superior to other available method for
 18 the fair and efficient resolution of the claims of the Settlement Class.

19 4. The Court further finds that Plaintiffs conducted extensive investigation and research, and
 20 that they were able to reasonably evaluate their positions and the strengths and weaknesses of their claims
 21 and their ability to certify them. Plaintiffs have provided the Court with enough information about the
 22 nature and magnitude of the claims being settled, as well as the impediments to recovery, to make an
 23 independent assessment of the reasonableness of the terms to which the Parties have agreed.

24 5. The Court also finds that settlement now will avoid additional and potentially substantial
 25 litigation costs, as well as delay and risks if the Parties were to continue to litigate the Action.

26 6. The Court preliminarily approves the Settlement Agreement, including the terms and
 27 conditions set forth therein and the Class Settlement Amount and allocation of payments.

28 7. The rights of any potential dissenters to the proposed Settlement are adequately protected

in that they may exclude themselves from the Settlement and proceed with any alleged claims they may have against Defendant, or they may object to the Settlement and appear before this Court. However, to do so they must follow the procedures outlined in the Settlement Agreement and Notice of Class Action Settlement.

8. The Court approves, as to form and content, the proposed Notice of Class Action Settlement (“Notice Packet”).

9. Class Notice: The Court directs the mailing, by First-Class U.S. mail, of the Notice Packets to Class Members in accordance with the schedule set forth below and the other procedures described in the Settlement Agreement. The Court finds that the method selected for communicating the preliminary approval of the Settlement Agreement to Class Members is the best notice practicable under the circumstances, constitutes due and sufficient notice to all persons entitled to notice, and thereby satisfies due process.

10. Class Representative: The Court appoints Plaintiffs Omar Zine and William Baber as the representatives for the Settlement Class conditionally certified by this Order.

11. Class Counsel: The Court appoints Capstone Law APC and Shegerian & Associates, Inc. as Class Counsel. The Court finds that counsel have demonstrable experience litigating, certifying, and settling class actions, and will serve as adequate counsel for the Class conditionally certified by this Order.

12. Settlement Administrator: The Court approves and appoints CPT Group, Inc. as the Settlement Administrator.

13. The following dates shall govern for purposes of this Settlement:

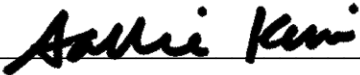
Date	Event
January 11, 2023 (or not later than 30 calendar days after the Court grants preliminary approval of the Settlement Agreement, if later)	Last day for Defendant to produce the Class List to the Settlement Administrator.
January 23, 2023 (or not later than 10 calendar days after Defendant produces the Class List, if later)	Last day for the Settlement Administrator to mail Notice Packets to all Class Members.
February 2, 2023	Last day for Plaintiffs to file the Motion for Attorneys’ Fees, Costs, and Class Representative Enhancement Payments.
March 9, 2023 (or not later than 45 calendar days after the Settlement Administrator mails the Notice Packets, if later)	Last day for Class Members to submit Requests for Exclusion or Objections to the Settlement.

Date	Event
April 3, 2023	Last day for Plaintiffs to file the Motion for Final Approval of Class Action and PAGA Settlement.
May 8, 2023 at 9:30 a.m.	Hearing on Motion for Final Approval of Class Action and PAGA Settlement and Motion for Attorneys' Fees, Costs, and Class Representative Enhancement Payments.

The Court expressly reserves the right to continue or adjourn the final approval hearing without further notice to the Class Members

IT IS SO ORDERED.

Dated: December 12, 2022


 SALLIE KIM
 United States Magistrate Judge