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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**AMADO HARO and ROCHELLE
ORTEGA, On Behalf of Themselves and
All Others Similarly Situated,**

Plaintiff,

v.

WALMART, INC.,

Defendant.

§
§ **Case No. 1:21-CV-00239-NODJ-SKO**
§
§ **[PROPOSED] ORDER GRANTING**
§ **PLAINTIFFS' MOTION FOR**
§ **PRELIMINARY APPROVAL OF**
§ **CLASS ACTION SETTLEMENT**
§
§ **Judge: Hon. Sheila K. Oberto**
§
§

The Motion for Preliminary Approval of Class Action Settlement ("Motion") filed by Plaintiffs Amado Haro and Rochelle Ortega ("Plaintiffs") came for a hearing before this Court on February 13, 2024. After consideration of all the papers filed in connection therewith, the arguments of counsel, and all other matters presented to the Court, the Court hereby makes a preliminary finding that the proposed class action settlement is fair, reasonable, adequate and in the best interests of the Class. Good cause appearing therefore, the Court **GRANTS** the Motion and **ORDERS** as follows:

1 1. The terms of the settlement agreement reached by Plaintiffs and Defendant, as set
2 forth in the Settlement Agreement filed by Plaintiffs on December 15, 2023, are hereby
3 preliminarily approved as being fair, reasonable and adequate to the members of the Class,
4 subject to further consideration at the final approval hearing after the distribution of the Notice to
5 the members of the Class as provided in this Order.

6 2. For settlement purposes, the Court hereby GRANTS class certification under Rule
7 23 on behalf of the following individuals: “all individuals who worked at a Walmart retail store
8 in California as a nonexempt store employee at any point between April 10, 2020 and February
9 6, 2023” (the “California Class”).

10 3. For settlement purposes, the Court hereby GRANTS collective certification under
11 29 U.S.C. § 216(b) of the Fair Labor Standards Act on behalf of the following individuals: “all
12 individuals who worked at a Walmart retail store in California as a nonexempt store employee at
13 any point between April 10, 2020 and February 6, 2023 and all individuals who submitted FLSA
14 opt-in forms in this Action on or before September 10, 2023” (the “FLSA Class”).

15 4. Don Foty of Hodges & Foty, LLP is appointed as counsel for the Class.

16 5. Plaintiffs Amado Haro and Rochelle Ortega are appointed as representatives of
17 the Class (“Class Representatives”).

18 6. The form of “Notice of Class Action and FLSA Settlement” (“Notice”) as
19 attached to the Settlement Agreement as Exhibit A, is hereby approved.

20 7. The form of “FLSA Opt-In Form” (“Opt-In Form”) as attached to the Settlement
21 Agreement as Exhibit B, is hereby approved.

22 8. The Court authorizes emailing and mailing of the Notice and Opt-In Form to the
23 California Class and FLSA Class by email and by first-class United States mail to their last
24 known email addresses and mailing addresses within 30 calendar days of receipt of the
25 information to send the Notice and Opt-In Form from Defendant. Defendant shall provide the
26 Settlement Administrator with the information necessary to conduct this email/ mailing as set
27 forth in the Settlement Agreement within 30 calendar days of [the Preliminary Approval Date].
28

IT IS SO ORDERED.

SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE