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individually, on behalf of all others similarly situated, and as a proxy for the LWDA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEILANI KRYZHANOVSKIY, PATRICIA
SALAZAR, individually, on behalf of all others
similarly situated, and as a proxy for the LWDA;

Plaintiff,

v.

AMAZON.COM SERICES, INC., a Delaware
corporation; AMAZON.COM SERVICES, LLC,
a Delaware limited liability company; and DOES
1-100, inclusive,

Defendants.

Case No.: 2:21-cv-01292-BAM

[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Date: January 26, 2024
Time: 9:00 a.m.
Location: Courtroom 8, 6th Floor
Judge: Hon. Barbara A. McAuliffe

Plaintiffs Leilani Kryzhanovskiy and Patricia Salazar (collectively, “Defendants”) Motion for Preliminary Approval of Class Action Settlement (“Motion for Preliminary Approval”) came on for hearing on January 26, 2024, at 9:00 a.m., before United States Magistrate Judge Barbara A. McAuliffe. Jenny D. Baysinger appeared on behalf of Plaintiffs and Bradley Hamburger appeared on behalf of Defendants Amazon.com Services, LLC and Amazon.com Services, Inc. (“Defendants” or “Amazon”). The Court, having fully and carefully reviewed Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, the memorandum and declaration in support thereof, and the Settlement Agreement including the proposed Class Notice, hereby makes the following determinations

1 and orders¹:

2 1. Plaintiffs Leilani Kryzhanovskiy and Patricia Salazar are preliminarily appointed as
3 Class Representatives.

4 2. Mayall Hurley P.C., by and through Robert J. Wassermann and Jenny D. Baysinger, and
5 Mark S. Adams of the Law Office of Mark S. Adams, are hereby preliminarily approved and appointed
6 as Class Counsel.

7 3. Atticus Class Action Administration is appointed as the Settlement Administrator and
8 shall administer the Settlement in accordance with the terms set forth in the Settlement Agreement and
9 perform the functions set forth therein. The Court also preliminarily approves declared fees and costs
10 of administering the Settlement of up to \$25,000.

11 4. The class of employees covered by the Parties' Settlement consists of all current and
12 former non-exempt employees of Defendants in California between July 22, 2017 and November 7,
13 2023 who received a Signing and/or On Sign Bonus in the same workweek as he/she worked overtime,
14 including doubletime (the "Settlement Class").

15 5. There are approximately 3,232 individuals in the Class who are believed to have worked
16 146,483 workweeks during the Class Period.

17 6. Pursuant to Federal Rules of Civil Procedure, Rule 23, and for purposes of settlement
18 only, the Class is preliminarily and conditionally certified.

19 7. The Court grants preliminary approval of the Settlement between Plaintiffs and Amazon
20 based upon the terms set forth in the Settlement Agreement.

21 8. The Settlement appears to be fair, adequate and reasonable, and the Court preliminarily
22 approves the terms of the Settlement Agreement.

23 9. The Court approves, as to form and content, of the Class Notice, in substantially the
24 form attached to the Settlement Agreement as **Exhibit A**. The Court further approves the procedure by
25 which Class Members may opt out of, and/or object to, the Settlement as set forth in the Settlement
26 Agreement and the Class Notice.

27
28 ¹ All terms used in this Order of Preliminary Approval of Class Action Settlement (the "Order") shall have the same meanings given those terms in the Parties' Class Action Settlement Agreement and Release ("Settlement Agreement" or "Settlement"), a copy which is attached hereto as **Exhibit A** and made a part of this Order.

1 10. The Court directs the mailing of the Class Notice in accordance with the terms of the
2 Settlement and on the schedule set forth below. The Court finds the dates selected for the mailing and
3 distribution of the Class Notice meet the requirements of due process and provide the best notice
4 practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled
5 thereto.

6 11. Subject to further consideration by the Court at the time of the Final Approval Hearing,
7 the proposed PAGA Payment of \$100,000 and payment to the LWDA is preliminarily approved.

8 12. Subject to further consideration by the Court at the time of the Final Approval Hearing,
9 the proposed Enhancement Payments of \$10,000, or .3333% of the \$3,000,000 Gross Settlement Fund,
10 to Plaintiff Kryzhanovskiy and \$7,500, or 0.25% of the GSF, to Plaintiff Salazar for their respective
11 service as Class Representative is preliminarily approved.

12 13. Subject to further consideration by the Court at the time of the Final Approval Hearing,
13 Class Counsel's request of attorneys' fees in the amount of one-third of the GSF, presently \$1,000,000,
14 to be divided 90% to Mayall Hurley, P.C. and 10% to the Law Office of Mark S. Adams, and declared
15 costs of up to \$30,000, are preliminarily approved.

16 14. The Court adopts the following dates and deadlines:

17 Defendant to provide Class List to the	Within 30 days of the Court's entry of the Order of
18 Administrator.	Preliminary Approval.
19 Administrator to mail Class Notice.	Within 15 calendar days of its receipt of the Class
20	List.
21 Deadline for Class Members to	Within 60 calendar days after the mailing of the
22 object to or opt out of the Settlement.	Class Notice.
23 Plaintiff to file Motion for Attorneys' Fees,	Not less than 35 calendar days prior to Final
24 Costs and Enhancement Payments.	Approval hearing.
25 Deadline for Plaintiffs to file Motion for	Not less than 35 calendar days before the Final
	Approval hearing.
Final Approval Hearing.	Not less than 100 days after the Court's execution of
	the Order Granting Preliminary Approval.
Defendant transfers the GSF and related	Thirty (30) days after the Judgment becomes final
employer withholdings	

26 15. A Final Approval hearing on the question of whether the proposed Settlement,
27 Attorneys' Fees and Costs to Class Counsel, and the Class Representatives' Enhancement Payments
28 should be finally approved as fair, reasonable and adequate is scheduled in for

_____, 2024 at __:__ a.m. / p.m.

16. The parties to the Agreement are directed to carry out their obligations under the Settlement Agreement.

Dated: _____

HON. BARBARA A. MCAULIFFE
UNITED STATES MAGISTRATE JUDGE