

FILED
SAN MATEO COUNTY

MAR 21 2024

Clerk of the Superior Court

By

DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

CHRISTOPHER FOX, THOMAS SIMS, and
KYREE WASHINGTON, individually and on
behalf of all other similarly situated,

Plaintiffs,

v.

VERKADA, INC., a Delaware corporation,
Defendant.

Case No.: 23-CIV-00193

Assigned for All Purposes to
Hon. Susan L. Greenberg

**ORDER MODIFYING ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS,
COLLECTIVE, AND REPRESENTATIVE
ACTION SETTLEMENT**

On February 28, 2024, Plaintiffs Christopher Fox, Thomas Sims, and Kyree Washington's (collectively "Plaintiffs") Motion for Preliminary Approval of Class, Collective, and Representative Action Settlement came on regularly for hearing in Department 3. Attorney Polina Brandler, appeared on behalf of Plaintiffs, and Attorney Katie E. Briscoe, appeared on behalf of Defendant Verkada, Inc.

On February 29, 2024, Plaintiffs' counsel filed a supplemental declaration in accordance with the Court's concerns raised in the Tentative Ruling. (See Min. Order, issued Feb. 29, 2024.)

On March 5, 2024, the Court issued an Order Granting Plaintiffs' Motion for Preliminary Approval of Class, Collective, and Representative Action Settlement ("Preliminary Approval Order"), setting the hearing date for final approval on Thursday, October 3, 2024 at 9:00 a.m. in Department 3.

On March 11, 2024, Plaintiffs' counsel advised the Court of a conflict with the final approval hearing date and requested it be advanced.

The Court has reviewed the Preliminary Approval Order, and based on its inherent authority, the Court, *SUA SPONTE*, MODIFIES the Preliminary Approval Order.

IT IS HEREBY ORDERED the Preliminary Approval Order be modified as follows:

1. The Response Deadline shall be modified to extend the deadline to 60 days for all persons whose notice is re-mailed to submit their Consent to Join Form for the FLSA collective action, Request for Exclusion form to be excluded from the class action settlement, object to the settlement, and/or dispute the calculation of workweeks/pay periods as shown on their Notices. (Preliminary Approval Order, *supra*, at ¶¶ 6 – 9 (originally a 14 day extension)).
2. At the hearing, the parties argued the opt-in procedure for settling the FLSA collective claims were stipulated, as reflected in the Settlement Agreement. Although the Court has approved the Consent to Join form as to form (Preliminary Approval Order, *supra*, at ¶ 8), the Court takes no position on whether this opt-in procedure is violative of California law. (See *Amaro v. Anaheim Arena Management, LLC* (2021) 69 Cal.App.5th 521, 539). The parties are instructed to substantively brief this issue, and the Court will make a determination on final approval.
3. The final approval hearing date shall be re-set to Thursday, October 24, 2024 at 9:00 am in Department 3. (Preliminary Approval Order, p. 3:13-19 (originally set for October 3, 2024 at 9:00 a.m.).)

Dated: 3-21-2024



Susan L. Greenberg
Judge of the Superior Court