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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

**KAREEM WILSON**, on behalf of himself, and all others similarly situated, and as an “aggrieved employee” on behalf of other “aggrieved employees” under the Labor Code Private Attorneys General Act of 2004

Plaintiff,

v.

**J.B. HUNT LOGISTICS, INC.**, an Arkansas corporation;  
**J.B. HUNT TRANSPORT, INC.**, a business entity of unknown form; and  
DOES 1 through 50, inclusive

Defendants.

Case No. 2:18-cv-3487-SVW-AFMx

**[PROPOSED] ORDER GRANTING  
PLAINTIFF’S UNOPPOSED  
RENEWED MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Action filed: March 2, 2018  
Hearing Date: April 5, 2021  
Hearing Time: 1 p.m.  
Hearing Court: 10A, Hon. Stephen V. Wilson

1 **TO ALL PARTIES HEREIN AND TO THEIR COUNSEL OF RECORD:**

2 **I. RECITALS**

3 This action is currently pending before this Court as a putative class action and  
4 representative action under the Private Attorney Generals Act (“PAGA”) (together, the  
5 “Action”). Plaintiff Kareem Wilson has applied to this Court for an Order preliminarily  
6 approving the settlement of the Action in accordance with the Joint Stipulation and  
7 Settlement Agreement (the “Joint Stipulation”), which together with the exhibits  
8 annexed thereto, sets forth the terms and conditions for a proposed settlement and entry  
9 of judgment upon the terms and conditions set forth therein. The Court has read and  
10 considered the Memorandum of Points and Authorities in support of Plaintiff’s  
11 Unopposed Renewed Motion for Preliminary Approval of Class Action Settlement,  
12 Declarations of David G. Spivak, Esq., Walter Haines, Esq., and Kareem Wilson and  
13 attached exhibits. For purposes of this Order, the Court adopts all defined terms as set  
14 forth in the Joint Stipulation.

15 **II. FINDINGS**

16 After review and consideration of the Joint Stipulation and Plaintiff’s Motion for  
17 Preliminary Approval and the papers in support thereof, the Court hereby finds and  
18 orders as follows:

19 1. The Joint Stipulation falls within the range of reasonableness meriting  
20 possible final approval.

21 2. The certification of the Class solely for purposes of settlement is  
22 appropriate in that: (1) the Class Members are so numerous that joinder of all Class  
23 Members is impracticable; (2) there are questions of law and fact common to the Class  
24 which predominate over any individual questions; (3) Plaintiff’s claims are typical of  
25 the claims of the Class; (4) Plaintiff and his counsel have fairly and adequately  
26 represented and protected the interests of the Class; and (5) a class action, and class  
27 wide resolution of the action via class settlement procedures is superior to other  
28 available methods for the fair and efficient adjudication of the controversy.

1           3. The Joint Stipulation, and the obligations of the Parties as set forth therein,  
2 is fair, reasonable, and is an adequate settlement of this case and is in the best interests  
3 of the Class in light of the factual, legal, practical, and procedural considerations raised  
4 by this case.

5           4. Plaintiff does not have any conflicts that would preclude him from serving  
6 as Class Representative, and his appointment comports with the requirements of due  
7 process.

8           5. Class Counsel do not have any conflicts that would preclude them from  
9 acting as Class Counsel, and they meet the requirements of the Federal Rules of Civil  
10 Procedure for appointment as Class Counsel and the requirements of due process.

11           6. The Notice of Class Action Settlement attached as Exhibit A to the Joint  
12 Stipulation complies with due process because the Notice of Class Action Settlement is  
13 reasonably calculated to adequately apprise Class Members of: (i) the pending lawsuit;  
14 (ii) the terms of the proposed Joint Stipulation; and (iii) their rights, including the right  
15 to either participate in the settlement, exclude themselves from the settlement, or object  
16 to the settlement. The Notice of Private Attorneys General Act of 2004 (“PAGA”)  
17 Settlement attached as Exhibit B to the Joint Stipulation also complies with due process.  
18 Plaintiff’s proposed plan for class notice and settlement administration is the best notice  
19 practicable under the circumstances and is in full compliance with the Federal Rules of  
20 Civil Procedure and the requirements of due process, and the Notice of Class Action  
21 Settlement complies with the Federal Rules of Civil Procedure and the requirements of  
22 due process, and is appropriate as part of the proposed plan for notice to Class Members.

23 **III. ORDER**

24 **IT IS ORDERED** as follows:

25           1. The Court finds on a preliminary basis that the provisions of the Joint  
26 Stipulation, filed with the Court as Exhibit 1 to the Declaration of David G. Spivak In  
27 Support of Plaintiff’s Unopposed Renewed Motion for Preliminary Approval of Class  
28 Action Settlement are fair, just, reasonable, and adequate and, therefore, meet the

1 requirements for preliminary approval. *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1026  
2 (9th Cir. 1998); *Joel A. v. Giuliani*, 218 F.3d 132, 138 (2nd Cir. 2000).

3 2. The Court certifies, for settlement purposes only, the following class  
4 (“Class”) described in the Motion for Preliminary Approval:

5 **All persons employed by Defendants in California as non-exempt,**  
6 **hourly, non-driver Installation Specialists (Installers) at any time**  
7 **from March 2, 2014 to January 3, 2020.**

8 3. The Court finds, for settlement purposes only, the requirements of Federal  
9 Rule of Civil Procedure 23(a) and Federal Rule of Civil Procedure 23(b)(3) are satisfied.

10 4. This Order, which conditionally certifies a class action for settlement  
11 purposes only, shall not be cited in this or any other matter for the purpose of seeking  
12 class certification, opposing decertification, or for any other purpose, other than  
13 enforcing the terms of the Joint Stipulation.

14 5. The Court appoints for settlement purposes only, as the Class  
15 Representative, Kareem Wilson.

16 6. The Court appoints for settlement purposes only, David G. Spivak and  
17 Walter Haines, as Class Counsel for the purposes of settlement and the releases and  
18 other obligations therein.

19 7. ILYM is appointed as Settlement Administrator.

20 8. The Notice of Class Action Settlement (in the form attached to the Joint  
21 Stipulation as Exhibit A) and The Notice of Private Attorneys General Act of 2004  
22 (“PAGA”) Settlement (in the form attached to the Joint Stipulation as Exhibit B) are  
23 approved.

24 9. The Settlement Administrator is ordered to mail the Notice of Class Action  
25 Settlement to the Class Members as provided in the Joint Stipulation.

26 10. Each Class Member will have sixty (60) days after the date on which the  
27 Settlement Administrator mails the Notice of Class Action Settlement to object to the  
28 Settlement by informing the Settlement Administrator in writing of his or her intent to

1 object by following the procedure set forth in the Notice of Class Action Settlement no  
2 later than sixty (60) days after the mailing of the Notice of Class Action Settlement.

3 11. Any Class Member who has submitted such written objections may, but is  
4 not required to, appear himself or herself, or through counsel, at the Final Approval  
5 Hearing and object to the approval of the Settlement or the Attorney Fee Award and  
6 Cost Award to Class Counsel. No Class Member, or any other person, shall be heard  
7 or entitled to contest the approval of the proposed Joint Stipulation, the judgment to be  
8 entered approving the same, or the Attorney Fee Award and Cost Award to Class  
9 Counsel, unless that Class Member has submitted written objections in the manner set  
10 forth herein. The Parties may file any response to the objections submitted by objecting  
11 Class Members, if any, no later than seven (7) days before the Final Approval Hearing.

12 12. Any Class Member who does not make his or her objection(s) in the  
13 manner so provided herein and in the Notice of Class Action Settlement shall be deemed  
14 to have waived such objection(s) and shall forever be foreclosed from making any  
15 objection(s) to the fairness or adequacy of the proposed settlement as incorporated in  
16 the Joint Stipulation and the Attorney Fee Award and Cost Award to counsel and the  
17 right to appeal any orders that are entered relating thereto, unless otherwise ordered by  
18 the Court.

19 13. Each Class Member who wishes to be excluded from the settlement shall  
20 sign and mail a written request for exclusion to the Settlement Administrator. The  
21 written request for exclusion must state the individual's name, address, home telephone  
22 number, last four digits of his or her Social Security number, and a statement that he or  
23 she requests to be excluded from the Class and does not wish to participate in the  
24 Settlement. It must be sent and post-marked no later than sixty (60) days after the  
25 mailing of the Notice of Class Action Settlement.

26 14. If the Joint Stipulation is not finally approved by the Court or for any  
27 reason is terminated or the Effective Final Settlement Date of the Settlement does not  
28 occur for any reason whatsoever, the Joint Stipulation and the proposed settlement that

1 is the subject of this Order, and all evidence and proceedings had in connections  
2 therewith, shall be without prejudice to the status quo ante rights of the Parties to the  
3 litigation, as more specifically set forth in the Joint Stipulation.

4 15. A hearing (the “Final Approval Hearing”) shall be held on \_\_\_\_\_  
5 \_\_\_\_\_, 2021, at \_\_\_\_ a.m./p.m. before the Honorable Stephen V. Wilson, in  
6 Courtroom 10A of the United States District Court for the Central District of California,  
7 located at 350 West First Street, Los Angeles, California 90012. At that time, the Court  
8 shall determine: (a) whether the proposed settlement on the terms and conditions  
9 provided for in the Joint Stipulation are fair, just, reasonable and adequate and should  
10 be finally approved; (b) whether judgment as provided in the Joint Stipulation should  
11 be entered herein; and (c) whether to approve Class Counsel’s application for an award  
12 of attorneys’ fees and costs, Plaintiff’s application for general release payment, and  
13 Plaintiff’s request for payment of expenses to the Settlement Administrator. The Court  
14 may continue or adjourn the Final Approval Hearing without further notice to members  
15 of the Class, and retains jurisdiction to consider all further applications arising out of or  
16 connected with the settlement. The Court may approve the settlement, with such  
17 modifications as may be agreed to by the parties to the settlement, if appropriate,  
18 without further notice to the Class.

19 16. During the Court’s consideration of the Settlement and pending further  
20 order of the Court, all proceedings in this case, other than proceedings necessary to  
21 carry out the terms and provisions of the Joint Stipulation, or as otherwise directed by  
22 the Court, are hereby stayed and suspended.

23 17. To facilitate administration of the Settlement pending final approval, the  
24 Court hereby enjoins the Class Members from prosecuting the Released Claims against  
25 Defendants or any of the other Released Parties unless and until the Class Member files  
26 a valid written request for exclusion.

27 18. The Court recognizes that certification under this Order is for settlement  
28 purposes only, and shall not constitute or be construed as a finding by the Court, or an

1 admission on the part of Defendants or any of the other Released Parties, of any fault  
2 or omission with respect to any claim or that this action is appropriate for class treatment  
3 for litigation purposes. Entry of this Order is without prejudice to the rights of  
4 Defendants or any of the other Released Parties to oppose class certification in this  
5 action, should the proposed Joint Stipulation not be granted final approval.

6 19. The Court will consider whether to approve the PAGA Settlement as a part  
7 of the final approval hearing.

8 IT IS SO ORDERED.

9  
10 Dated: \_\_\_\_\_

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12 \_\_\_\_\_  
13 The Honorable Stephen V. Wilson,  
14 United States District Court Judge  
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