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UNITED STATE DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

JORGE AVALOS, ARMANDO SOTO,
JESUS OROZCO, HECTOR GARCIA,
GERARDO ZENDEJAS, JAIME
GARCIA,

Plaintiffs,

v.

G.I. INDUSTRIES, dba WASTE
MANAGEMENT, a corporation, and
DOES 1-10, inclusive,

Defendants.

Case No. 2:22-cv-03842-MAA

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS AND COLLECTIVE
ACTION SETTLEMENT AND
CONDITIONALLY CERTIFYING
CLASS AND FLSA COLLECTIVE**

AS REVISED BY COURT

Plaintiffs' unopposed Motion for Preliminary Approval of Settlement came
before the Court for hearing on November 5, 2024. The Court has reviewed and
considered the papers filed in support of the Motion, including the Memorandum of

1 Points and Authorities, the Declarations of Plaintiffs and the Declarations of Counsel,
2 with exhibits, including the Joint Stipulation of FLSA Collective Action, Class
3 Action and PAGA Settlement and Release (“Settlement Agreement” or
4 “Agreement”), and the arguments presented by counsel at the hearing. Based on the
5 foregoing, the Court preliminarily finds that the proposed settlement is fair,
6 reasonable and adequate, and that GOOD CAUSE appears for granting the Motion
7 and conditionally certifying the FLSA Collective and the Rule 23 Class.
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11 This Order incorporates by reference the definitions contained in Paragraph 2 of
12 the Settlement Agreement as though fully set forth herein, and those terms used in this
13 Order shall have the same meaning as ascribed by the Settlement Agreement.
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15 GOOD CAUSE having been shown, the Court **GRANTS** the Motion and
16 **ORDERS** as follows:
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- 18 1. The Court preliminarily approves the Settlement Agreement and all its terms as
19 being fair, reasonable and adequate, subject to further consideration at the final
20 approval hearing.
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- 22 2. For purposes of settlement only, the Court GRANTS class certification under
23 Rule 23 on behalf of the following individuals: All individuals employed by
24 G.I. Industries at its facility in Simi Valley, California as non-exempt drivers
25 from June 4, 2018, through March 7, 2024.
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- 1 3. For purposes of settlement only, the Court GRANTS certification of the FLSA
2 Collective defined as: All individuals employed by G.I. Industries at its facility
3 in Simi Valley, California as non-exempt drivers from June 4, 2019, through
4 March 7, 2024.
- 5
6 4. Timothy B. Sottile and Michael F. Baltaxe of Sottile Baltaxe and Kathleen A.
7 Brewer of Brewer Law Office are hereby appointed as Class Counsel. Class
8 Counsel are authorized to act on behalf of the Rule 23 Class, the FLSA
9 Collective and the PAGA Group.
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12 5. Plaintiffs, Jorge Avalos, Armando Soto, Jesus Orozco, Hector Garcia, Gerardo
13 Zendejas and Jaime Garcia, are hereby appointed as Class Representatives.
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15 6. The form and substance of the Notice Packet, attached to the Settlement
16 Agreement as Exhibits A and B and titled, “Court Approved Notice of Class
17 and Collective Action and PAGA Settlement” (Exh. A) and “FLSA Opt-in
18 Form” (Exh. B), are approved with revisions as stated on the record and
19 attached hereto as Revised Exhibit A and Revised Exhibit B (together,
20 “Revised Notice Packet”).
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23 7. The Settlement Administrator is authorized to send individualized Revised
24 Notice Packets, in Spanish and in English, by First Class U.S. Mail within 15
25 business days following receipt of the Class Data from Defendant and in
26 compliance with the terms of the Settlement Agreement. Defendant shall
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1 provide Class Data to the Settlement Administrator within 14 days of this
2 Order and as otherwise set forth in Paragraph 17 of the Settlement Agreement.

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4 8. IYLM Group, Inc. is hereby appointed as the Settlement Administrator to act
5 in accordance with the terms of the Settlement Agreement.

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7 9. The Court approves Legal Aid at Work as the *cy pres* recipient.

8 10. The procedures and deadlines set forth in the Settlement Agreement for
9 potential members of the FLSA Collective to opt in to the FLSA portion of the
10 settlement are approved.

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12 11. The procedures for complying with the Response Deadline by which Class
13 Members must postmark and return to the Settlement Administrator signed and
14 dated FLSA Opt-In Forms and/or Requests for Exclusion from (opt out of) the
15 California state law class portion of the Settlement, objections to the
16 Settlement and/or disputes concerning the number of workweeks, overtime
17 hours or pay periods worked, as set forth in the Settlement Agreement, are
18 approved. The Response Deadline will be sixty (60) calendar days from the
19 initial mailing of the Notice Packets by the Settlement Administrator, subject to
20 exceptions for re-mailing as set forth in the Settlement Agreement.

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22 12. A Final Approval (Fairness) Hearing is set for **May 7, 2025 at 2:00 p.m.** in
23 Courtroom 880, Roybal Building, 255 East Temple Street, Los Angeles,
24 California 90012, before U.S. Magistrate Judge Maria A. Audero. The purpose
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1 of the Final Approval (Fairness) hearing will be to (a) determine whether the
2 Settlement should be finally approved, (b) determine the reasonableness of
3 Class Counsel's request for attorney's fees and costs, (c) determine the
4 reasonableness of the requested Class Representative Service Awards, and
5 (d) order entry of judgment.
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8 13. The Parties shall file and serve all papers in support of the Motion for Final
9 Approval (Fairness) and application for fees and costs by **April 9, 2025**.
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12 IT IS SO ORDERED.
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14 Dated: 11/05/2024



15 Hon. Maria A. Audero
16 U.S. Magistrate Judge
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