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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

KEYONNA SHELTON, individually
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

RACK ROOM SHOES, INC., a North
Carolina Corporation; and DOES 1
through 50, inclusive,

Defendants.

No. 5:16-cv-967-NC

CLASS ACTION

**ORDER (1) CONDITIONALLY
CERTIFYING SETTLEMENT CLASS
ACTION; (2) PRELIMINARILY
APPROVING PROPOSED
SETTLEMENT; (3) APPROVING
NOTICE TO CLASS; AND
(4) SETTING FINAL APPROVAL
HEARING DATE
(Dkt. No. 33)**

Date: November 30, 2016
Time: 1:00 p.m.
Courtroom: 7 (4th Floor – San Jose)
Judge: Hon. Nathanael Cousins

ORDER

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2 On November 30, 2016, before the Honorable Magistrate Judge Nathanael
3 Cousins, Plaintiff's Motion for an Order (1) Conditionally Certifying the Settlement
4 Class Action; (2) Preliminarily Approving the Proposed Settlement; (3) Approving
5 the Notice to Class; and (4) Setting the Final Approval Hearing Date of Plaintiff
6 Keyonna Shelton came on for hearing. At this hearing, the Court ordered the
7 parties to provide supplemental briefing on certain issues and to revised the
8 proposed settlement agreement. The Court, having read and considered all of the
9 papers submitted in support of the Motion (including the supplemental papers
10 ordered at the November 30, 2016 hearing), arguments of counsel, the entire record
11 in this action, and the matter having been duly heard, **and contingent upon the**
12 **parties' filing a fully executed version of the Revised Joint Stipulation and**
13 **Settlement Agreement (Exhibit 1 to the Joint Brief Pursuant to the Court's**
14 **November 30, 2016 Hearing Minutes, Docket No. 32),**

IT IS HEREBY ORDERED:

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16 1) The Court grants preliminary approval of the Settlement and
17 preliminarily finds the terms of the Settlement, as set forth in the Joint Stipulation
18 of Settlement and Release (the "Settlement"), to be fair, reasonable and adequate
19 under Rule 23(e) of the Federal Rules of Civil Procedure, including the amount of
20 the settlement fund; the amount of distributions to class members; the procedure for
21 giving notice to class members; the procedure for objecting to or opting out of the
22 Settlement; and the maximum amounts allocated to an incentive payment, costs and
23 attorney's fees.

24 2) The Court preliminarily certifies for settlement purposes the Class
25 described in the Settlement, as follows: All of Defendants' hourly, non-exempt
26 employees who worked at a retail store location in the State of California at any
27 time between October 30, 2011 through the date of Preliminary Approval of this
28 Settlement.

1 3) The Court appoints for settlement purposes only Plaintiff Keyonna
2 Shelton as representative for the Class.

3 4) The Court appoints for settlement purposes only Alexander I. Dychter
4 of Dychter Law Offices, APC, and Walter L. Haines of United Employees Law
5 Group, PC, as counsel for the Class.

6 5) The Court appoints Phoenix Settlement Administrators as the
7 Settlement Administrator.

8 6) The Court directs the Settlement Administrator to provide notice to
9 class members as set forth in the Settlement.

10 7) The Court hereby establishes the deadlines for members of the
11 Settlement Class to opt-out of the settlement, and/or to object to the Settlement, as
12 set forth in the Settlement.

13 8) The Court schedules the final approval and fairness hearing for 1:00
14 p.m. on March 29, 2017.

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Date: December 31, 2016

