Alan Harris (SBN 146079)
aharris@harrisandruble.com
Priya Mohan (SBN 228984)
pmohan@harrisandruble.com
HARRIS & RUBLE
655 North Central Avenue, 17th Floor
Glendale, California 91203
Telephone: (323) 962-3777
Facsimile: (323) 962-3004

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JERIN SHERMAN and MATT WATSON, individually and on behalf of all others similarly situated with respect to the FLSA Collective Action and the Rule 23 Class Action, ALLEN HEADLEY, COREY FOUNTAIN, MICHAEL WINGO, individually and on behalf of all others similarly situated with respect to the Rule 23 Class Action, MARK DAVID CHAMBERS, MIKE THERIAULT, JOEL JOHN RAMIREZ, and JEFF WRIGHT individually,

Plaintiffs,

v.

CLP RESOURCES, INC., FIRST SOLAR, INC., and DOES 1 to 20,

Defendants.

ZACHARY CHRISTENSEN, COLE BERMAN, LEONARD PUGA, Individually and on behalf of all others similarly situated, et al.

Plaintiffs,

v.

CLP RESOURCES, INC., FIRST SOLAR, INC., TRUE BLUE, INC. AND DOES 1-20

Defendants.

Case No. **CV 12-8080-GW-PLAx**, *consolidated with* Case No. CV 12-11037-GW-PLAx
Assigned to the Honorable George H. Wu

ORDER GRANTING MOTION FOR AN ORDER (A) GRANTING PRELIMINARY APPROVAL OF CLASS-ACTION SETTLEMENT, (B) CERTIFYING A CLASS FOR SESTTLEMENT PURPOSES, (C) DIRECTING NOTICE TO THE CLASS, AND (D) SCHEDULING A FINAL FAIRNESS HEARING

The Motion for Preliminary Approval of Class Settlement (the "Motion") filed by Plaintiffs Alan Headley, Corey Fountain, Mike Wingo, Jerin Sherman, Matt Watson, Zachary Christensen, Cole Berman, and Leonard Puga ("Plaintiffs") came on for hearing on January 30, 2020. After consideration of all the papers filed in connection therewith, the arguments of counsel, and all other matters presented to the Court, the Court hereby makes a preliminary finding that the proposed class action settlement is fair, reasonable, adequate and in the best interests of the settlement class. Good cause appearing therefore, the Court **GRANTS** the Motion and **ORDERS** as follows:

1. The terms and phrases used in this Order shall have the same meaning as ascribed to them in the Joint Stipulation of Class Action Settlement and Release ("Settlement Agreement").

2. Upon review of the Stipulation of the Parties to Grant Leave for Plaintiffs to file a Fourth Amended Complaint and for good cause shown, Plaintiffs' Fourth Amended Complaint attached as Exhibit H to the Addendum to the Settlement Agreement is deemed filed as of this date. Defendants CLP Resources, Inc. and First Solar, Inc.'s ("Defendants") Answers to the Third Amended Complaint in the *Sherman* Actions shall be deemed the Answers to the Fourth Amended Complaint and any new factual allegations contained in the Fourth Amended Complaint shall be deemed denied.

3. The terms of the Settlement Agreement reached by Plaintiffs and Defendants as a result of arms-length negotiations, as set forth in the Settlement Agreement, are hereby preliminarily approved as being fair, reasonable and adequate for Settlement Class Members, subject to further consideration at the final approval hearing after the distribution of the notice to the members of the Settlement Class as provided in Paragraph 13 of this Order. Defendants retain all rights to assert that the above-captioned matter may not be certified as a class action, other than for settlement purposes.

4. The Gross Settlement Amount of the Settlement Agreement shall be $9,631,078.08 which consists of settlement expenses (as defined in the Settlement Agreement), and the maximum funds that could be paid out if all Settlement Class

Members submit claims. This Gross Settlement Amount includes a non-reversionary $950,000 Fund provided by First Solar, Inc. (hereinafter the "FSI Settlement Fund"). Defendants will not be held responsible for paying any amount over and above the Gross Settlement Amount, and Defendants may pay less than that amount. Out of the Gross Settlement Amount will come payments issued to Settlement Class Members who make claims, and settlement expenses, which will include a payment to the California Labor & Workforce Development Agency, attorneys' fees and attorneys' costs to Class Counsel as awarded by the Court, settlement administration costs, enhancement awards to the class representatives, if any, and penalties, interest and the employer share of payroll taxes. Defendant CLP Resources, Inc. (now PeopleReady, Inc.) further agrees to implement the injunctive relief outlined in the Joint Stipulation upon final approval of the Settlement by the Court:

5. The following Settlement Class is conditionally certified for settlement purposes only, and is referred to herein as the "Settlement Class": All individuals who worked for Defendant CLP Resources, Inc. in the State of California as non-exempt field employees at any time from November 21, 2009 to June 30, 2016.

6. The Court also conditionally certifies the following subclasses: the "First Solar Subclass," composed of individuals who worked for Defendant CLP Resources, Inc. for its customer, First Solar, Inc., in the State of California as non-exempt field employees at any time from November 21, 2009 until June 30, 2016; the "AVSR1 Subclass," composed of individuals who worked for Defendant CLP Resources, Inc. for its customer, First Solar, Inc., in California at the job site called AVSR1 at any time from January 1, 2011 until May 31, 2012; and the "Records Request Subclass," composed of individuals who worked for Defendant CLP Resources, Inc. in the State of California from November 21, 2009 until June 30, 2016 and who requested records pursuant to Labor Code sections 226 and/or 1198.5 and claim they did not receive any.

7. Alan Harris and Priya Mohan of Harris & Ruble as well as Lonnie Blanchard of The Blanchard Law Group, APC, Peter Dion-Kindem of The Dion-Kindem

Law Firm and Tim Donahue of the Law Offices of Timothy Donahue are appointed as Class Counsel.

8. Plaintiffs Allen Headley, Corey Fountain, Mike Wingo, Jerin Sherman, Matt Watson, Zachary Christensen, Cole Berman and Leonard Puga as well as Dustin Liggitt and Raeed Awad are appointed as the Class Representatives.

9. RG2 Claims Administration, LLC is appointed as the Claims Administrator.

10. The Enhancement Awards of $5,000 each for Plaintiffs Allen Headley, Corey Fountain, Mike Wingo, Jerin Sherman, Matt Watson, Zachary Christensen, Cole Berman, Leonard Puga and State Court Plaintiffs Dustin Liggitt and Raeed Awad are preliminarily approved.

11. The payment of $37,500 to the LWDA, which is 75% of the total amount of payout allocated to cover PAGA penalties is preliminarily approved.

12. The Claims Administrator's costs and expenses from the Gross Settlement Amount are preliminarily approved.

13. The Court finds that the Notice of Class Action Settlement fairly and adequately advises Settlement Class Members of the following: the pendency of the Class Action; the certification of the Settlement Class for settlement purposes; preliminary Court approval of the proposed Settlement Agreement; the date of the Final Fairness Hearing; the terms of the proposed Settlement Agreement and the benefits available to Settlement Class Members thereunder; Settlement Class Members' rights to opt-out, or to object, and the procedures for exercising those rights; and the Settlement Class Members' rights to submit documentation in opposition to the proposed Settlement Agreement. The Court further finds that said Notice of Class Action Settlement comports with all constitutional requirements, including those of due process. Accordingly, good cause appearing, the Notice of Class Action Settlement, Claim Form, FLSA Consent Form, and Opt-Out Forms proposed by the Parties and attached to the Settlement Agreement and Addendum to the Settlement Agreement appear to be within the range of reasonableness of a settlement which could ultimately be given final approval by this Court and are

hereby approved for distribution to the Settlement Class Members.

14. The Court authorizes mailing of the Notice, Claim Form, FLSA Consent Form and Opt-Out Forms to the Settlement Class Members by first-class United States mail. Within seven days of the date of this Order granting Preliminary Approval, or by February 7, 2020, Defendant shall provide the Claims Administrator with the information necessary to conduct this mailing as set forth in the Settlement Agreement. Within fourteen days of receipt of the Settlement Class Members information, or February 21, 2020, the Claims Administrator shall cause Notice to be mailed to the Settlement Class Members as set forth in the Settlement Agreement.

15. All opt-outs and claim forms must be submitted by Settlement Class Members to the Claims Administrator by no later than April 6, 2020 (45 calendar days after the mailing of the Notice and Claim Form).

16. Any Settlement Class Member, other than Named Plaintiffs, wishing to object to the approval of this Settlement must file the written objection with the Court, postmarked no later than the Response Deadline (45 calendar days after the mailing of the Notice and Claim Form).

17. A hearing to consider and determine (i) whether the Settlement Agreement should be finally approved, (ii) whether Class Counsel's application for attorney's fees should be granted final approval, and (iii) whether the application for Class Representative incentive awards and Plaintiffs' individual payments should be approved, is hereby set for May 21, 2020 at 8:30 a.m. Excluding those deadlines triggered by the Court's granting of preliminary approval, all other deadlines in the Action will be stayed pending the final approval hearing.

18. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement Agreement which are not materially inconsistent with either this Order or the terms of the Settlement Agreement.

19. The Court expressly reserves the right to adjourn or continue the Final Fairness hearing from time to time without further notice to the Class Members. Subject to final approval, this Settlement is intended to resolve the class, collective, and representative action claims and the individual claims alleged in each the following cases except as set forth in the Settlement Agreement:

- *Headley v. CLP Resources, Inc. et al*, Case No. BC488302 (also pending under U.S.D.C. Case Nos. 2:12-cv-11037 and 2:12-cv-08080)
- *Sherman v. CLP Resources, Inc. et al.*, Case No. BC483549 (also pending under U.S.D.C. Case No. 2:12-cv-08080)
- *Awad v. Elemental Energy Inc., et al.*, Case No. PSC 1302544 (also pending under Case No. RICJCCP4927)
- *Liggitt v. TrueBlue, Inc. et al*, Case No. BC542950 (also pending under Riverside County Superior Court Case Nos. RIC1509572, RICJCCP4927)
- *Christensen v. CLP Resources, Inc. et al*, Case No. 2:14-cv-08073-GW-PLA
- *Awad v. First Solar, Inc*., Riverside County Superior Court, Case No. RIC1704716

IT IS SO ORDERED.

Dated: February 1, 2020

Hon. George H. Wu
United States District Judge