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Attorneys for Defendants
AT&T CORP., et al

1 This matter came on for hearing on October 20, 2011, at 2:00 p.m. in Department 20 of
2 the above-captioned court on the parties' joint motion for an order preliminarily approving a
3 settlement of this action, conditionally certifying a settlement class, approving notice to the class,
4 and setting a final fairness hearing. Having fully reviewed and considered the moving papers,
5 and having analyzed the Joint Stipulation of Class Settlement and Release between Plaintiffs and
6 Defendants ("Settlement Agreement") attached as Exhibit "1" to the Declaration of Matthew
7 Righetti,

8 THE COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND
9 ORDERS:

- 10 1. The Court does hereby preliminarily approve the proposed Settlement Agreement
11 as being fair, just, reasonable, and adequate.
- 12 2. All defined terms contained herein shall have the same meanings as those set forth
13 in the Settlement Agreement.
- 14 3. Solely for the purposes of the proposed settlement, a Settlement Class is hereby
15 provisionally certified pursuant to California Code of Civil Procedure section 382
16 as follows:

17 All persons who have been employed by Defendants in the State of
18 California at any time from March 30, 2006, through the date of
19 preliminary approval of the Settlement, in the following positions,
20 while those positions were classified as exempt from overtime:
Associate Project Manager IT, Project Manager IT, and Senior
Project/Program Manager IT ("the Class Positions").

- 21 4. Solely for the purposes of the proposed settlement, the Court does hereby
22 preliminarily approve Righetti Glugoski, P.C. and The Law Offices of Thomas
23 Falvey as Class Counsel, and Sabrina Pierce and Romi Hughes as Representative
24 Plaintiffs, and does hereby appoint CPT Group, Inc., as the parties' Settlement
25 Administrator.
- 26 5. A final fairness hearing (the "Final Approval Hearing") shall be held on February
27 10, 2012 at 10:00 a.m., in Department 20 of this Court, to review the notice and
28 claim process and objections, if any, and determine whether the proposed

1 settlement on the terms and conditions set forth in the Settlement Agreement are
2 fair, reasonable, and adequate, and should be approved by the Court; whether the
3 Judgment as provided in the Settlement Agreement should be entered herein; and
4 to determine the amount of attorneys' fees and costs that should be awarded to
5 Class Counsel and the amount of class representative enhancements that should be
6 awarded to the class representatives.

7 6. The Court approves, as to form and content, the Notice of Proposed Class Action
8 Settlement (the "Class Notice"), attached as Exhibit "A" to the Settlement
9 Agreement, and the Claim and Exclusion Forms, attached as Exhibits "B" and "C"
10 to the Settlement Agreement, respectively. The Court finds that the distribution of
11 the Class Notice substantially in the manner set forth herein meets the
12 requirements of California law and due process, is the best notice practicable under
13 the circumstances, and shall constitute due and sufficient notice to all persons
14 entitled thereto.

15 7. The Settlement Administrator shall supervise and administer the notice procedure
16 as more fully set forth as follows:

17 a. Within 20 calendar days of the Court's granting of preliminary approval of
18 this settlement, to the extent practicable, Defendants shall provide to the
19 Settlement Administrator a database, which will list for each Class Member
20 the Class Member's name, last known address, last known telephone number,
21 and Social Security number, along with data indicating the number of
22 Compensable Workweeks for each Class Member. This database shall be
23 based on Defendant's payroll and other business records and in a format
24 acceptable to the Settlement Administrator.

25 b. Defendants shall consult with the Settlement Administrator prior to the
26 production date to ensure that the format will be acceptable to the Settlement
27 Administrator.
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- c. The Settlement Administrator will run skip-trace checks of the Class Members' addresses against those on file with the U.S. Postal Service's National Change of Address List and other databases reasonably available to the Settlement Administrator.
- d. Within 20 calendar days after the database is provided to the Settlement Administrator, to the extent practicable, the Settlement Administrator will mail the Class Notice, the Claim Form, the Exclusion Form, and a pre-addressed postage-paid envelope (the "Notice Packet") to the Class Members by regular first-class U.S. mail.
- e. There will be a 45-day notice and claims period from the date the Notice Packets are mailed, during which Class Members may object, file claims, or elect to opt-out of the class settlement.
- f. Notices and Claim Forms returned to the Claims Administrator as non-delivered during the 45-day period for the filing of claims shall be further skip traced and, to the extent possible, resent within 10 days to updated addresses.
- g. Claim Forms must be completed in full and signed in order to be valid, using the form attached as Exhibit "B" to the Settlement Agreement. To be timely, the Claim Form must be postmarked (if mailed), faxed, or emailed to the Settlement Administrator by the 45-day deadline, except as otherwise provided below in cases where a Class Member is afforded additional time to cure a deficiency.
- h. If a Claim Form is not completed in full and signed, the Settlement Administrator shall send a deficiency notice to the Class Member advising the Class Member to cure the deficiency. The deficiency notice will give the Class Member 15 days to cure the deficiency. The deadline to cure the deficiency shall be the later of the 45-day claim deadline or the 15 additional days given to cure the deficiency.

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- i. At the time the parties file their joint motion for final approval of the settlement, Class Counsel shall provide the Court with a declaration by the Settlement Administrator of due diligence and proof of mailing with regard to the mailing of the Notice Packet and the other steps it has taken to implement the terms of the settlement. The Settlement Administrator's declaration also will report on the number of claims, objections, disputes (and status), weeks claimed, average value per workweek claimed, average claim value, and opt-outs submitted.
- 8. Any Member of the Settlement Class may enter an appearance in the Litigation, at his or her own expense, individually or through counsel of his or her own choice. Class Members who do not enter an appearance or exclude themselves from the Class (opt out) will be represented by Class Counsel.
- 9. Any Class Member who wishes to be excluded (opt out) from the Settlement Class and not participate in the proposed settlement must execute and submit a written request for exclusion to the Settlement Administrator, using the Exclusion Form attached as Exhibit "C" to the Settlement Agreement, within the 45-day deadline, in accordance with the instructions provided in the Class Notice and Exclusion Form. To be timely, the Exclusion Form must be postmarked (if mailed), faxed, or emailed to the Settlement Administrator by the 45-day deadline. Any Class Member who opts out of the settlement will be ineligible to receive a settlement payment, but will not be bound by the Settlement Agreement or the release of claims contained therein.
- 10. Class Members who wish to object to the settlement must submit to the Settlement Administrator, not later than 45 days after the date the Settlement Administrator first mails the Notice Packet, a written statement objection to the settlement and setting forth the grounds for the objection. Any Class Member may appear and show cause, if he or she has any, why the proposed settlement should or should not be approved as fair, reasonable, and adequate, or why a judgment should or should

1 not be entered thereon, or why attorneys' fees should or should not be awarded to
2 Class Counsel as requested, provided that the Class Member has submitted his or
3 her comments or objections to the Settlement Administrator by the 45-day
4 deadline set forth in the Class Notice, and also has specifically notified the
5 Settlement Administrator of his or her intent to appear at the Final Approval
6 Hearing.

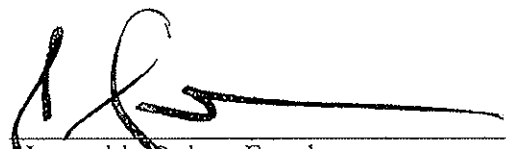
7 **11.** At the Final Approval Hearing, the Court shall finally determine whether the
8 proposed settlement is fair and reasonable, and also rule on Class Counsel's
9 application for attorneys' fees, class representative enhancements, or
10 reimbursement of costs.

11 **12.** The Court's preliminary approval of the settlement is not to be deemed an
12 admission of liability or fault by Defendants, or a finding as to the validity of any
13 claims or defenses asserted in the Litigation.

14 **13.** The Court reserves the right to adjourn the date of the Settlement Hearing without
15 further notice to the Settlement Class Members, and it will retain jurisdiction to
16 consider all further applications arising out of or connected with the proposed
17 settlement.

18 **IT IS SO ORDERED.**

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20 Dated: October 20, 2011


21 Honorable Robert Freedman
22 Judge of the Superior Court

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