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AT&T: 08/13/21
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10 Attorneys for Plaintiff
11 CAMERON ROSETTA

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 CAMERON ROSETTA (on behalf of
16 himself and all others similar situated),

17 Plaintiff,

18 v.

19 PAYCOM SOFTWARE, INC. and
20 PAYCOM PAYROLL, LLC,

21 Defendants.

Case No. 2:19-cv-8994-AS

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT**

22 The Court, having considered the parties’ Stipulation and Settlement of Class
23 and Representative Action (“Settlement Agreement”), Plaintiff’s Motion for
24 Preliminary Approval of Class Action and PAGA Settlement and all other materials
25 properly before the Court, and having conducted an inquiry pursuant Rule 23 of the
26 Federal Rules of Civil Procedure, hereby finds and orders as follows:

27 1. This Order incorporates by reference the definitions in the Settlement
28 Agreement, attached as Exhibit 1 to the Declaration of Michael Curtis (the

1 “Settlement Agreement”), and all terms defined therein shall have the same meaning
2 in this Order as set forth in the Settlement Agreement.

3 2. The Court has jurisdiction over the subject matter of this action,
4 Plaintiff Cameron Rosetta (“Plaintiff”), Paycom Software Inc. and Paycom Payroll
5 LLC (, “Defendants”), Class Members, PAGA Contract/Policy Aggrieved
6 Employees, and PAGA Misclassification Aggrieved Employees.

7 3. The Court finds on a preliminary basis that the settlement memorialized
8 in the Settlement Agreement and filed with the Court, falls within the range of
9 reasonableness for settlement and that the Court will likely be able to certify the
10 proposed class, therefore, the Settlement Agreement meets the requirements for
11 preliminary approval under F.R.C.P. 23(e)(1) such that notice to the Class is
12 appropriate.

13 4. The Court finds that the Settlement was the product of protracted,
14 arms-length negotiations between experienced counsel well-versed in the
15 prosecution of wage and hour class and collective actions.

16 5. The Court grants preliminary approval of the parties’ Settlement
17 Agreement.

18 6. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, the
19 Court conditionally certifies the following Rule 23 class: “all current and former
20 California Sales Representatives and Executive Sales Representatives of Defendants
21 classified as exempt outside sales professionals from October 18, 2015 through
22 February 28, 2021.”

23 7. The Court approves Plaintiff Cameron Rosetta as Class Representative.

24 8. The Court appoints Baker Curtis & Schwartz, P.C. as Class Counsel
25 because it meets all of the requirements under Federal Rule of Civil Procedure
26 23(g).

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1 9. The Court approves CAC Services Group, LLC as the Settlement
2 Administrator to perform duties in accordance with Article I(yy) and Article III of
3 the Settlement Agreement.

4 10. The Court finds that the procedures for notifying the Class Members
5 about the Settlement as described in the Settlement Agreement provide the best
6 notice practicable under the circumstances and therefore meet the requirements of
7 due process, and directs the sending of the Notice Packets in accordance with the
8 Stipulation, after they are updated with the appropriate dates and deadlines
9 consistent with the Settlement Agreement and this Order.

10 11. The Court approves, as to form and content, Notice Packets consisting
11 of: the (i) Notice of Class Action Settlement, attached to the Settlement Agreement
12 as Exhibit A, and (ii) Exclusion Form, attached as Exhibit B. The Notice of Class
13 Action Settlement adequately puts Class Members on notice of the proposed
14 settlement. The Notice of Class Action Settlement is appropriate because it
15 describes the terms of the settlement, informs the class about the allocation of
16 attorneys' fees, and provides specific information regarding the date, time, and place
17 of the final approval hearing.

18 12. Any written objection by a Class Member must be mailed to the
19 Settlement Administrator no later than **60** days after the date of the Notice. Anyone
20 who fails to file and serve timely written objections in this manner may appear at the
21 Final Approval Hearing and make an oral objection. Any Class Member who does
22 not object in either manner shall have waived any objection to the Settlement,
23 whether by appeal or otherwise.

24 13. If the Date of Finality as defined in the Settlement Agreement does not
25 occur, the Settlement, Settlement Agreement, and this Order shall be deemed null
26 and void and shall have no force or effect whatsoever.

27 14. The Court will conduct a Final Approval and Fairness Hearing on
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1 **December 14, 2021 at 10:00 a.m.** for the purposes of: (a) making a final
2 determination of the fairness, adequacy, and reasonableness of the Settlement terms
3 and procedures; (b) fixing the amount of attorneys’ fees and litigation costs and
4 expenses to Class Counsel and Service Enhancement award to the Plaintiff; (c)
5 hearing any timely and properly filed objections; and (d) entering Judgment. The
6 Final Approval and Fairness Hearing may be continued without further notice to
7 Class Members. Plaintiff shall file his motion for final approval of the settlement, and
8 Class Counsel shall file their motion for attorneys’ fees, litigation costs and expenses,
9 and Service Enhancement award on or before **November 30, 2021**.

10 **PAGA**

11 15. The Court finds that, pursuant to the Private Attorney Generals Act Cal.
12 Lab. Code §§ 2699(1)(2), (1)(4) (PAGA”), the Labor Workforce and Development
13 Agency has been given notice of the Settlement in compliance with the statutory
14 requirements of PAGA.

15 16. The Court will rule on approval of the PAGA Settlement at the Final
16 Approval Hearing.

17
18 **IT IS SO ORDERED**

19
20 Dated: August 13, 2021

/ s / Sagar
Honorable Alka Sagar
United States Magistrate Judge