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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

GREGORY HOWELL, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

CHECKR, INC.,

Defendants.

Case No.: 3:17-cv-04305-SK

**ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL
OF CLASS ACTION
SETTLEMENT**

Based on the Plaintiff's Unopposed Motion for Preliminary Approval of the Proposed Settlement and good cause shown therein, IT IS HEREBY ORDRED:

1. Preliminary Approval of Proposed Settlement. The Agreement, including all exhibits thereto, is preliminarily approved as fair, reasonable, and adequate and within the range of reasonableness for preliminary settlement approval. The Court finds that (a) the Agreement resulted from extensive arm's length negotiations between experienced counsel; and (b) the Agreement is sufficient to warrant notice of the Settlement to persons in the Settlement Class, and a full hearing on the approval of the Settlement.

2. Class Certification for Settlement Purposes Only. Pursuant to Fed. R. Civ. P. 23(c), the Court conditionally certifies, for settlement purposes only, the following Settlement Class:

All natural persons upon whom Defendant produced a report which

1 included records older than seven years, which included the following
2 terms in the “charge type” field: “infraction,” “ordinance,” “violation,”
3 “petty offense,” “traffic,” “citation,” and “civil,” from July 28, 2015 to
4 March 20, 2018.

5 In connection with this conditional certification, the Court makes the following
6 preliminary findings for settlement purposes only:

- 7 (a) The Settlement Class appears to be so numerous that joinder of all members is
8 impracticable;
- 9 (b) There appear to be questions of law or fact common to the Settlement Class for
10 purposes of determining whether this Settlement should be approved;
- 11 (c) The Named Plaintiff’s claims appear to be typical of the claims being resolved
12 through the proposed Settlement;
- 13 (d) The Named Plaintiff appears to be capable of fairly and adequately protecting the
14 interests of the Settlement Class Members in connection with the proposed
15 Settlement;
- 16 (e) Common questions of law and fact appear to predominate over questions affecting
17 only individual persons in the Settlement Class. Accordingly, the Settlement Class
18 appears to be sufficiently cohesive to warrant settlement by representation and
- 19 (f) Certification of the Settlement Class appears to be superior to other available
20 method for the fair and efficient resolution of the claims of the Settlement Class.

21 3. Class Counsel. Berger & Montague, P.C. and Schneider Wallace Cottrell
22 Konecky Wotkyns LLP are hereby APPOINTED as Class Counsel.

23 4. Class Representative. Plaintiff Gregory Howell is hereby APPOINTED as
24 Class Representative.

25 5. Class Notice. The Parties’ Postcard Notice, Postcard Notice & Claim
26 Form, Email Notices, and Revised Long-Form Notice (Exhibits B, C, D, E, and A to the
27 Settlement Agreement, respectively) are APPROVED for distribution in accordance with
28 the provisions of the Settlement Agreement.

6. Opt-Outs and Objections. Settlement Class Members have the right to

1 either opt-out or object to this Settlement pursuant to the procedures and schedule
2 included in the Settlement Agreement.

3 7. Final Approval Hearing. A Final Approval Hearing is set for December 3,
4 2018, at 11:00 A.M.

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6 IT IS SO ORDERED.

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8 Date: June 29, 2018



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Hon. Sallie Kim
U.S. Magistrate Judge