

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CESAR ROCHA, RALPH JETER, TINA
TRETTEL, and RICKEY BROWN
Individually, and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

GATEWAY FUNDING DIVERSIFIED
MORTGAGE SERVICES, L.P.,

Defendant.

Civil Action No. 15-482

FILED
JAN 16 2018
FEDERAL DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

**ORDER PRELIMINARILY APPROVING
PROPOSED CLASS AND COLLECTIVE ACTION SETTLEMENT**

AND NOW, this 16th day of January 2018, upon consideration of Plaintiffs' Unopposed Motion for Preliminary Class and Collective Action Settlement Approval and all related materials, it is hereby **ORDERED** as follows:

1. The Court finds that, under the relevant standard for approving a settlement class: the proposed Settlement Class meets all of the requirements of Federal Rule of Civil Procedure 23 and is maintainable under Rule 23(b)(3); the proposed Settlement Class Representatives and Settlement Class Counsel are adequate; and there is sufficient unity of interest among the Settlement Class Members to support collective treatment for settlement purposes in accordance with Rule 23 and the Parties' Settlement Agreement ("Settlement Agreement").

2. In accordance with the Settlement Agreement, and for settlement purposes only, the Court preliminarily certifies the Pennsylvania Minimum Wage Act ("PMWA") Settlement Class which includes all Pennsylvania residents who have worked for Defendant as Loan Officers

during any workweek from February 2, 2012 to the Effective Date.¹ Based on Defendant's records, the PMWA Settlement Class includes 96 people.

3. In accordance with the Settlement Agreement, and for settlement purposes only, the Court preliminarily certifies the California Settlement Class which includes all California residents who have worked for Defendant as Loan Officers during any workweek from February 2, 2012 to the Effective Date. Based on Defendant's records, the California Settlement Class includes 51 people.

4. In accordance with the Settlement Agreement, and for settlement purposes only, the Court preliminarily certifies the New Jersey Settlement Class which includes all New Jersey residents who have worked for Defendant as Loan Officers during any workweek from February 2, 2012 to the Effective Date. Based on Defendant's records, the New Jersey Settlement Class includes 86 people.

5. In accordance with the Settlement Agreement, and for settlement purposes only, the Court preliminarily certifies the Fair Labor Standards Act ("FLSA") Settlement Class, which includes 113 people who worked for Defendant as a Loan Officers during any workweek since February 2, 2012 and filed a consent form to join this litigation ("the FLSA Collective").

6. The Court appoints Cesar Rocha, Ralph Jeter, Tina Trettel, and Rickey Brown to serve as Settlement Class Representatives.

¹ **Effective Date** means the date upon which all of the following have occurred: (a) entry of the Final Approval Order; and (b) the expiration of the appeal rights of all Parties. However, if no timely and valid objections to the settlement are received, then the Effective Date means the date three (3) business days after entry of the Final Approval Order.

7. The Court appoints Erik H. Langeland, P.C., Stephan Zouras LLP, and Tostrud Law Group as Settlement Class Counsel.

8. The Court preliminarily approves the Settlement set forth in the Parties' Settlement Agreement, which appears to be the product of serious, informed, and extensive arm's-length negotiations between the Parties and appears to be fair, adequate and reasonable to the Settlement Class so as to fall within the range of possible final approval.

9. The Court finds that the Parties had a *bona fide* dispute regarding the payment of overtime wages and that the Settlement is fair, adequate, and reasonable with respect to the settlement of the Opt-In Plaintiffs' FLSA claims, as the settlement of the FLSA claims also appears to have been the product of serious, informed, and extensive arm's-length negotiations between the Parties. The Court accordingly approves the FLSA release, as set forth in the Settlement Agreement, for all members of the FLSA Settlement Class who do not timely and validly withdraw their consent to join form.

10. If final approval of the Settlement is not granted for any reason, the Parties will retain all of their rights and arguments as to whether the claims in this case are appropriate for class certification or second-stage collective action certification. Nothing in this Order indicates whether the Court believes that class certification or second-stage collective action certification would be appropriate if the case were to continue to be litigated.

11. The Court approves the proposed form and content of the Notice of Class Action and Collective Action Settlement ("Notice") substantially in the form attached as Exhibits to Plaintiffs' Preliminary Approval Motion and orders the Parties to proceed with dissemination of the Notice as provided in the Settlement Agreement. The Court finds that the proposed process for providing notice to the Classes as set forth in the Settlement Agreement fulfills the

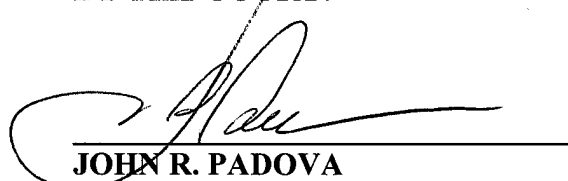
requirements of Federal Rule of Civil Procedure 23(c)(2)(A) and due process, provides the best notice practicable under the circumstances and will provide adequate notice to all members of the Pennsylvania, California, and New Jersey Classes and the FLSA Collective.

12. All opt-out requests, objection requests, and requests to withdraw consent to join forms shall be due within 30 days of the date of the Class Notice mailing.

13. Upon passage of the deadline for opt-out requests, objection requests, and requests to withdraw consent to join forms, Settlement Class Counsel shall promptly file a motion for final settlement approval and approval of the proposed enhancement awards, attorney's fees and cost reimbursements.

14. The Court will hold a final settlement approval hearing at 11:30 a.m. on Monday, Apr. 12, 2017 in Courtroom 17B of the James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA. At this hearing, the Court will determine whether to finally approve the proposed Settlement, enhancement awards, attorneys' fees and cost reimbursements requested by Settlement Class Counsel and whether to enter final judgment in this case in light of any written objections, opt-outs, or requests to be heard submitted in accordance with the procedures described in the Notice.

BY THE COURT:


JOHN R. PADOVA
United States District Judge