

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCO DIMERCURIO, et al.,

Plaintiffs,

v.

EQUILON ENTERPRISES LLC,

Defendant.

Case No. [19-cv-04029-JSC](#)

**SECOND FURTHER AMENDMENT  
TO ORDER GRANTING  
PRELIMINARY APPROVAL OF  
SETTLEMENT**

Since the Court issued its Order Granting Preliminary Approval of Settlement (Dkt. No. 181), and the class action settlement notice was distributed to the class members, the parties discovered additional information regarding the class data, including the number of days during which class members were scheduled for standby shifts (“Standby Days”) and which of those shifts were likely activated and thus resulted in class members receiving compensation for at least four hours. After extensive meet and confer efforts regarding the newly discovered information, the parties attended another settlement conference with Magistrate Judge Joseph C. Spero on September 7, 2023. As a result of negotiations at that settlement conference, the parties agreed to increase the total settlement payment from Defendant Equilon Enterprises LLC from \$3.2 Million to \$3.6 Million.

The terms of the new proposed class action settlement are detailed in the “Revised Class Action Settlement Agreement and Release” (“Revised Class Settlement Agreement”), including a “Revised Notice of Class Action and Private Attorney General Act (“PAGA”) Settlement Notice” (“Revised Class Settlement Notice”), which Class Counsel has submitted for the Court’s review. Class counsel has also provided estimated payouts to class members under the terms of the Revised Class Settlement Agreement. (Dkt. No. 230.)

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Based upon the above, the Court preliminarily approves the Revised Class Action Settlement, approves of the Revised Class Settlement Notice, and amends its prior order (Dkt. No. 181) to require the following:

1. Within ten (10) business days of this Order, the parties shall provide the Settlement Administrator with the class data and contact information required under the terms of the Revised Class Settlement Agreement.

2. Within 15 calendar days of this Order, the Settlement Administrator will mail the approved Revised Class Settlement Notice to all class members.

3. Within 15 calendar days of this Order, Class Counsel shall file a revised motion for attorneys' fees and reimbursement of litigation expenses and class representative service awards.

4. The motion for final approval shall be filed by March 28, 2024.

5. The hearing on final approval and the motion for attorneys' fees and expenses and class representative awards will be held on May 9, 2024 at 10:00 a.m. in Courtroom 8, 450 Golden Gate Ave., San Francisco, CA 94102.

6. The further case management conference scheduled for January 17, 2024 is VACATED. The Court thanks the parties for bringing the matter to the Court's attention.

**IT IS SO ORDERED.**

Dated: January 12, 2024

  
JACQUELINE SCOTT CORLEY  
United States District Judge