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10 Attorneys for Plaintiffs and the Putative Classes  
and Collective

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

13 HAROLD JONES, et al.,

14 Plaintiffs,

15 vs.

16 CERTIFIEDSAFETY, INC.

17 Defendants.

**Lead Case No. 3:17-cv-02229-EMC**  
 Consolidated with 3:17-cv-03892-EMC (*Crummie*)  
 Related to: 3:18-cv-04379-EMC (*Ross*)  
 3:19-cv-01338-EMC (*Jones II*)  
 3:19-cv-01380-EMC (*Jones III*)  
 3:19-cv-01381-EMC (*Jones IV*)  
 3:19-cv-01427-EMC (*East*)  
 3:19-cv-01428-EMC (*Jones V*)

18 **PLAINTIFFS' NOTICE REGARDING**  
 19 **AMENDMENT TO CLASS AND COLLECTIVE**  
 20 **ACTION SETTLEMENT**

21 Judge: Honorable Edward M. Chen

22 *Jones* Complaint filed: April 21, 2017

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Attorneys for Plaintiffs and the Putative Classes and Collective

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, pursuant to the Court’s Order Conditionally Granting  
 3 Plaintiffs’ Motion for Preliminary Approval (ECF 214), Plaintiffs in these consolidated and related  
 4 actions, Harold Jones, Tierre Crummie, Genea Knight, Marcellous Ross, and Michael East  
 5 (“Plaintiffs”), hereby provide notice of the following modifications to the Stipulation of Class,  
 6 Collective, and Representative Action Settlement (the “Settlement Agreement” or “Settlement”)  
 7 (ECF 206-2) and related administrative details.

8 The Parties have executed an Amendment to the Settlement, which is filed herewith as  
 9 Exhibit 1 to the accompanying Declaration of Scott L. Gordon (“Gordon Decl.”). The Amendment  
 10 makes the following changes to the Settlement:

- 11 • Defendant CertifiedSafety, Inc. must include last-known telephone numbers for Rule 23  
 12 Class Members and Opt In Plaintiffs (collectively, “Safety Attendants”) with its  
 13 production of the Class List to the Settlement Administrator.
- 14 • The Settlement Administrator will disseminate notice regarding the Settlement to Safety  
 15 Attendants via text message, in addition to U.S. Mail and email.
- 16 • Funds from uncashed Settlement checks will be redistributed to those Participating  
 17 Individuals who cash their Settlement checks. If the average net recovery from the  
 18 redistribution is less than \$10 per Participating Individual, or if there are uncashed check  
 19 funds remaining after the redistribution, then the amount will revert to Legal Aid at  
 20 Work (“LAAW”), a nonprofit legal services organization that assists low-income,  
 21 working families, as the *cy pres* recipient.<sup>1</sup>
- 22 • The Settlement Administrator’s Final Report will detail, *inter alia*, the number and value  
 23 of checks not cashed, the net amount redistributed to Participating Individuals who  
 24

25 <sup>1</sup> LAAW, formerly known as Legal Aid Society-Employment Law Center, advises, counsels, and  
 26 represents employees regarding their legal rights, including wage and hour protections. LAAW has  
 27 a substantial nexus to the Safety Attendants’ claims because it seeks to strengthen the same kind of  
 28 workplace protections (such as overtime) that are asserted in this case. LAAW’s work is focused on  
 the State of California, and its geographical scope is appropriate for this action because the vast  
 majority of shifts worked by the Safety Attendants were in California. Joshua Konecky, a partner at  
 Schneider Wallace Cottrell Konecky Wotkyns LLP, is on the Board of Directors at LAAW. Gordon  
 Decl., ¶¶ 6-7.

1 cashed their Individual Settlement Payment checks (if any), and the amount distributed  
2 to *cy pres* (if any).

3 The Amendment includes four exhibits. Exhibits A-C are the class, collective, and  
4 class/collective notices, which have been revised to (1) move the estimate of what the Safety  
5 Attendant will receive under the Settlement to the first paragraph (where the text is in bold font and  
6 all capital letters), and (2) alter the description of the handling of uncashed check funds, to reflect  
7 that there will be a redistribution to those Participating Individuals who cashed their checks and/or  
8 transfer to the *cy pres* recipient. Exhibit D is the proposed Text Message Notice.

9 Plaintiffs also submit herewith a revised [Proposed] Order Granting Plaintiffs' Motion for  
10 Preliminary Approval of Class and Collective Action Settlement, which specifically approves the  
11 Text Message Notice and authorizes the Settlement Administrator to disseminate it via text message  
12 to the Safety Attendants, and adjusts the implementation schedule to reflect a redistribution of the  
13 uncashed check funds and/or transfer to the *cy pres* recipient. Plaintiffs respectfully request that the  
14 Court set the final approval hearing date for mid-May 2020, or as soon thereafter as the matter may  
15 be heard. Lastly, Plaintiffs respectfully request that the Court sign and enter the [Proposed] Order  
16 granting the Parties' stipulation for Plaintiffs to file the Fourth Amended Consolidated Class and  
17 Collective Action Complaint (ECF 204).

18  
19 Date: January 20, 2020

Respectfully submitted,

20 /s/ Scott L. Gordon

21 Carolyn Hunt Cottrell

22 David C. Leimbach

Michelle S. Lim

Scott L. Gordon

23 SCHNEIDER WALLACE

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24 WOTKYNS LLP

25 Attorneys for Plaintiffs and the Putative Classes and  
26 Collective

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the United States District Court, Northern District of California, by using the Court’s CM/ECF system on January 20, 2020.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Court’s CM/ECF system.

Dated: January 20, 2020

/s/ Scott L. Gordon  
Scott L. Gordon