

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

**ADRIANNA JARRETT and MARY
NGETHE** individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

[24]7.AI, INC.,

Defendant

Case No.: 23-cv-00677-EMC

~~PROPOSED~~ **ORDER GRANTING
PLAINTIFFS’ UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND COLLECTIVE ACTION
SETTLEMENT AND OTHER RELATED
RELIEF**

Honorable Edward M. Chen

Complaint Filed: February 15, 2023

Trial Date: None Set

This matter has come before the Court on the unopposed motion by Plaintiffs Adrianna Jarrett and Mary Ngethe (“Plaintiffs”), on behalf of themselves and similarly situated hourly-paid individuals engaged as customer service representatives with Defendant [24]7.ai, Inc. (“Defendant”) (together, the “Parties”), for preliminary Approval of the parties’ Collective and Class Action Settlement Agreement and Release (hereinafter “Agreement”) pursuant to Rule 23(e) of the Federal Rules of Civil Procedure and 29 U.S.C section 201, *et seq.*

Plaintiffs, without opposition by Defendant, seek an Order (1) preliminarily certifying a class for settlement purposes under the Federal Rules of Civil Procedure, Rule 23 (hereinafter, “Rule 23”) and conditionally certifying an FLSA collective for settlement purposes under 29 U.S.C. §201., *et seq.* (as defined in the Parties’ Agreement); (2) preliminarily approving the Parties’ Settlement/Agreement and all terms therein; (3) preliminarily appointing Plaintiffs Adrianna Jarrett and Mary Ngethe as Class Representatives for the Class/Collective and Sommers Schwartz, P.C. as Class Counsel; (4) approving the form and contents of the Parties’ proposed Class Notice; (5) approving the appointment of Settlement Administrator; and (6) scheduling a hearing on the final approval of the Settlement and

1 approval of the application of Class Counsel and Plaintiffs for their requested attorneys' fees,
2 litigation, and service awards.

3 Having considered the papers filed in support of the motion, the arguments of counsel, and the
4 law, the Court now enters this Order and FINDS, CONCLUDES, and ORDERS as follows:

5 1. The Motion is **GRANTED**, and the settlement of this action is **PRELIMINARILY**
6 **APPROVED** because it appears that, at the final approval stage, the Court will “will likely be able
7 to” approve the settlement under the criteria described in Federal Rule of Civil Procedure (“Civil
8 Rule”) 23(e)(2) and certify the settlement class under the criteria described in Civil Rules 23(a) and
9 23(b)(3). *See* Fed. R. Civ. P. 23(e)(1)(B)(i)-(ii).

10 2. The Class Notice packet attached to the Agreement and the notice protocols described
11 in the Agreement are approved pursuant to Civil Rules 23(c)(2)(B) and 23(e)(1).

12 3. Individuals who wish to exclude themselves (i.e., opt out) from the settlement must
13 follow the procedures described in the Notice Packet and must do so within 45 calendar days of
14 issuance of Notice.

15 4. Individuals who wish to object to the settlement must follow the procedures described
16 in the Class Notice packet and must do so within 45 calendar days of issuance of Notice.

17 5. Sommers Schwartz, P.C. is appointed interim class counsel pursuant to Civil Rule
18 23(g)(3) and shall ensure that the notice process contemplated by the Agreement is followed. The
19 Court will make its final decision regarding the appointment of class counsel after the final approval
20 and pursuant to the criteria described in Civil Rule 23(g)(1).

21 6. Atticus Administration LLC is appointed Settlement Administrator.

22 7. Pursuant to Civil Rule 23(e)(2), a hearing addressing final approval of the settlement
23 will be held on November 14, 2024 at 1:30 p.m. at the 17th Floor of the San Francisco Courthouse,
24 450 Golden Gate Avenue, San Francisco, California 95113 in Courtroom 4. The hearing may be
25 conducted virtually (e.g. via Zoom) at the Court’s discretion. During this hearing, the Court will hear
26 from any objectors or other class members who wish to address the Court and will hear argument from
27 counsel regarding, *inter alia*, the following issues: whether the settlement warrants final approval
28 under Civil Rule 23(e)(2) and 29 U.S.C. § 216(b); whether the settlement class should be certified

1 under Civil Rules 23(a) and 23(b)(3); whether the service awards set forth in the Agreement should
 2 be approved; and whether the attorney's fees and litigation expenses sought by interim class counsel
 3 in the Agreement should be approved under Civil Rule 23(h).

4 8. The Parties and the Settlement Administrator will comply with the following schedule
 5 for the Settlement Administration and final approval process, based on a preliminary approval date of
 6 July 11, 2024 (with the dates to be adjusted accordingly based on the date of this Order and the date
 7 of the Final Approval Hearing and, if any date falls on a Saturday, Sunday, or legal holiday, the actual
 8 date shall be the next day that is not a Saturday, Sunday, or legal holiday):

Event	Proposed Date
Preliminary Approval Hearing Date	July 11, 2024
Entry of Preliminary Approval Order	July 22, 2024 (assumed; balance of dates work off this assumed date)
Defendant to provide the Settlement Administrator with Class List	August 5, 2024 (14 days after entry of Preliminary Approval Order)
Deadline for the Settlement Administrator to mail Class Notice Packet (Notice Mailing Date)	August 19, 2024 (14 days after receipt of Class List)
Deadline for Filing Motion for Attorneys' Fees and Litigation Expenses	September 19, 2024 (14 days prior to Deadline for Class Member Opt Out Requests and Objections)
Deadline for Class Members to submit Opt Out Requests and Objections	October 3, 2024 (45 days after Notice Mailing Date)
Deadline for filing Final Approval Motion	35 days prior the Final Approval Hearing
Proposed Final Approval Hearing Date	November 14, 2024


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9. In the event the Settlement is not finally approved, or otherwise does not become effective in accordance with the terms of the Agreement, this Order shall be rendered null and void

1 and shall be vacated, and the parties shall revert to their respective positions as of before entering into
2 the Agreement. The Court's findings are for purposes of certifying a settlement class and to settle the
3 matter and will not have any claim or issue preclusion or estoppel effect in any other action against
4 Defendant, or in this action, if the Agreement is not finally approved.

5 **IT IS SO ORDERED.**

6 Dated: July 22, 2024


HON. EDWARD M. CHEN
United States District Judge