

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

JOHN LAYER, on behalf of himself and  
similarly situated employees,  
Plaintiff,

v.

TRINITY HEALTH CORPORATION;  
MERCY HEALTH SYSTEM; and LOURDES  
HEALTH SYSTEM,  
Defendants.

2:18-cv-02358-PD

ORDER

AND NOW, this 31 day of May, 2019, upon consideration of Plaintiff's "Unopposed Motion for Preliminary Approval of the Class Action Settlement and Other Related Relief" ("Motion") (Doc. 45), the accompanying "Class/Collective Action Settlement Agreement" ("Agreement") (Doc. 45-1), the accompanying Declaration of Mark J. Gottesfeld (Doc. 45-2), the accompanying memorandum of law (Doc. 46), and all other papers and proceedings herein, it is hereby **ORDERED** that:

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

2. The "Notice of Settlement" form ("Notice Form") attached to the Agreement as Exhibits B and the notice protocols described in paragraph 6 of the Agreement are approved pursuant to Civil Rules 23(c)(2)(B) and 23(e)(1). The Notice Form shall be sent to the 80 individuals listed in Exhibit A to the Agreement.

3. Individuals who wish to exclude themselves from the settlement must follow the procedures described in paragraph 7 of the Agreement and Section 6 of the Notice Form.

4. Individuals who wish to object to the settlement must follow the procedures described in paragraph 8 of the Agreement and Section 9 of the Notice Form.

5. Winebrake & Santillo, LLC is appointed interim class counsel pursuant to Civil Rule 23(g)(3) and shall ensure that the notice process contemplated by the Agreement is followed. The Court will make its final decision regarding the appointment of class counsel after the final approval and pursuant to the criteria described in Civil Rule 23(g)(1).

6. Pursuant to Civil Rule 23(e)(2), a hearing addressing final approval of the settlement will be held on Oct. 23, 2019 at 9:30 AM in Courtroom 3-G of the United States Courthouse, 601 Market Street, Philadelphia, PA 19106.<sup>1</sup> During this hearing, the Court will hear from any objectors or other class members who wish to address the Court and will hear argument from counsel regarding, *inter alia*, the following issues: whether the settlement warrants final approval under Civil Rule 23(e)(2) and 29 U.S.C. § 216(b); whether the settlement class should be certified under Civil Rules 23(a) and 23(b)(3); whether the service award described in paragraph 11 of the Agreement should be approved; and whether the attorney's fees and litigation costs sought by interim class counsel and described in paragraph 10 of the Agreement should be approved under Civil Rule 23(h).

7. Seven calendar days prior to the final approval hearing, interim class counsel shall file all papers in support of the final approval of the settlement and the associated issues

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<sup>1</sup> **Note to the Court:** Because the Agreement requires those individuals who wish to exclude themselves or object to the settlement to do so on or before a postmark deadline falling 56 calendar days after the entry of this Order, see Agreement (Doc. 45-1) at ¶¶ 7-8, the parties respectfully suggest that the final approval hearing be scheduled no earlier than 90 calendar days after the entry of this Order.

described in paragraph 6 above.



MAGISTRATE JUDGE TIMOTHY R. RICE