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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(WESTERN DIVISION – LOS ANGELES)

GRANT MCKEE, ERIC WEBER,
and MICHAEL ROGAWSKI,
individually and on behalf of all
other similarly situated,

Plaintiffs,

v.

AUDIBLE, INC.,

Defendant.

Case Nos.: CV 17-1941-GW(Ex) &
CV 17-8868-GW(Ex)

ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT AND
SETTING SCHEDULE FOR CLASS
NOTICE, MOTION FOR
ATTORNEYS’ FEES, MOTION FOR
FINAL APPROVAL, AND FINAL
FAIRNESS HEARING

ERIC WEBER and BRYAN REES,
individually and on behalf of all
other similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC. and
AMAZON SERVICES LLC,

Defendants.

Hearing Date: March 14, 2019
Time: 8:30 a.m.
Courtroom: 9D
Judge: Hon. George H. Wu
Trial date: None set

1 On March 14, 2019, the Court held a hearing on Plaintiffs' Renewed, Unopposed
2 Motion for Preliminary Approval of Class Action Settlement, portions of which were
3 filed under seal with the Court's permission. Defendants did not oppose the motion and
4 filed their own brief in support of preliminary approval.

5 Based on the motion and supporting documents, the arguments of counsel, and all
6 other documents in the record, the Court finds that the requirements for preliminarily
7 approving the proposed class action settlement are met and hereby GRANTS the motion
8 for the reasons stated in the Court's Tentative Order, *McKee* Dkt. 189.

9 The Court makes the following findings:

- 10 1. The proposed settlement falls within the range of possible approval.
- 11 2. The proposed settlement is the product of serious, informed, arm's-length,
12 non-collusive negotiations and has no obvious deficiencies. The Court will
13 consider Class Counsel's request for an award of attorneys' fees and costs
14 at the final Fairness Hearing.
- 15 3. The proposed settlement does not improperly grant preferential treatment to
16 class representatives or segments of the class. The Court will consider the
17 named Plaintiffs' requests for service awards at the final Fairness Hearing.
- 18 4. The requirements of Federal Rule of Civil Procedure 23(a) are satisfied for
19 purposes of settlement:
 - 20 a. The class is sufficiently numerous.
 - 21 b. There are common questions of law and fact among the class.
 - 22 c. The Plaintiffs' claims are typical of class members' claims.
 - 23 d. The Plaintiffs will fairly and adequately represent the class and Class
24 Counsel has demonstrated diligence and competence during the
25 litigation and will fairly and adequate represent the class.
- 26 5. The requirements of Federal Rule of Civil Procedure 23(b)(3) are satisfied
27 for purposes of settlement because common factual and legal questions
28 predominate over individual questions and the class action procedure is a

1 superior method of adjudicating the controversy.

2 6. The requirements of Federal Rule of Civil Procedure 23(e)(1) are satisfied
3 because the parties have selected a method for notice to class members that
4 is the best practicable form of notice under the circumstances and includes
5 individual notice to all members who can be identified through reasonable
6 effort.

7 7. The requirements of Federal Rule of Civil Procedure 23(e)(2) are satisfied
8 because the Plaintiffs and Class Counsel have adequately represented the
9 class, the proposed settlement was negotiated at arm's length, the relief
10 provided for the class is adequate, taking into account the costs, risks, and
11 delay of trial and appeal, the effectiveness of distributing relief to the class,
12 the terms of the proposed maximum award of attorneys' fees, and the
13 equitable nature of relief relative to each Class Member.

14 8. The Parties have stipulated and informed the Court that there are no other
15 agreements connected to the Settlement.

16 9. The Parties have informed the Court that the notice required under the Class
17 Action Fairness Act, 28 U.S.C. § 1715, was timely served, and the Court
18 observes that the schedule set forth below complies with the CAFA notice
19 requirements.

20 Based on the above findings, the Court GRANTS the motion; preliminarily
21 approves the settlement; preliminarily certifies a settlement class; appoints Soderstrom
22 Law PC as Class Counsel; appoints Grant McKee, Eric Weber, Michael Rogawski,
23 Taylor Fisse, Bryan Rees, and Seth Beals as Class Representatives; approves the
24 proposed forms of notice and notice program; and directs that notice be disseminated
25 pursuant to this program in accordance with the schedule set forth below.

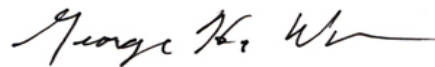
26 The Court hereby sets the following dates and deadlines:
27
28

1	Last Date to Send Class Notice and Make	April 8, 2019 (25 days after preliminary
2	Settlement Website Available	approval hearing)
3	Deadline to File Motion for Attorneys'	April 29, 2019 (24 days before the end of
4	Fees, Costs, and Service Awards	the Notice Period)
5	Last Day of the Notice Period	May 23, 2019 (45 days after Class Notice
6		sent)
7	Deadline to File Motion for Final	June 24, 2019 (77 days after Class Notice
8	Approval	sent)
9	Final Fairness Hearing	July 8, 2019 at 8:30 a.m. (91 days after
10		Class Notice sent)

11 Plaintiffs shall file unredacted versions of the Renewed, Unopposed Motion for
12 Preliminary Approval of Class Action Settlement and supporting documents, and
13 Defendants shall file unredacted versions of their related brief and the fully executed
14 settlement agreement, within three Court days of the date of this Order.

15 **IT IS SO ORDERED.**

16
17 Dated: March 19, 2019



18
19 Honorable George H. Wu
20 United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that on, March 20, 2019, I caused the foregoing document to be served on all counsel of record by the Court’s CM/ECF electronic filing system.

By: /s/ Jamin S. Soderstrom

Jamin S. Soderstrom

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