

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:16-cv-177-JLK-MEH

JESUS ALDO DOMINGUEZ,
on behalf of himself, individually, and on
behalf of all others similarly situated,
Plaintiffs,

v.

WILSON ROOFING DIVISION LLC, a Colorado corporation;
ROBIN HILL-WILSON, in her individual and corporate capacities; and
SETH WILSON, in his individual and corporate capacities,
Defendants.

**ORDER GRANTING UNOPPOSED MOTION TO MODIFY ORDER
ON AMENDED JOINT MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT (ECF NO. 31)**

This matter is being heard on the Plaintiff's Unopposed Motion to Modify Order on Amended Joint Motion for Preliminary Approval of Class Action Settlement (ECF No. 31). The Court has reviewed the previously filed Amended Joint Motion for Preliminary Approval of Class Action Settlement and Certification of Plaintiff Class (ECF No. 27) along with the Settlement Agreement (ECF No. 27-1) and its additionally attached Exhibits (ECF Nos. 27-2 through 27-8). On September 20, 2016, the Court issued its Order (ECF No. 28) granting preliminary approval of the class action and: certifying the class (*id.* at 2); finding the settlement amount to be fair and reasonable (*id.* at 3); ordering notice and an opportunity to be heard prior to the hearing on a motion for final approval of the class action settlement to be provided to the class members as set out in ¶ 5 of that Order (*id.* at 3-5); setting a hearing date for the final approval of the class action (*id.* at 5); and approving Ms. Jennifer Spradlin as the Class

Administrator to carry out the duties of such Class Administrator described in that Order (*id.* at 5).

On December 5, 2016, Plaintiff filed an unopposed motion to modify my previous Order (ECF No. 28), disclosing that while preparing the filings for final approval of the class action settlement the parties discovered that some 31 class members who worked for the Defendants in 2016 were erroneously omitted from notice of the proposed final settlement of the class action.

On December 5, 2016, plaintiff's counsel filed Plaintiff's Unopposed Motion to Modify Order on Amended Joint Motion for Preliminary Approval of Class Action Settlement, (ECF No. 31), and I issued a Minute Order on that motion, converting the Final Fairness hearing set for December 15, 2016, at 10:00 a.m. into a Status Conference.

This Order sets out the matters that are required to be accomplished before the Court conducts a rescheduled Final Fairness Hearing, as follows:

1. On or before December 22, 2016, the Administrator shall send out to all Class Members not previously given notice of the within proposed settlement the following settlement documents by first class mail with forwarding address correction requested:

a. Notice of this Class Action Settlement in both English and Spanish as set out in ECF Nos. 27-2 and 27-3;

b. Acknowledgement [Form] of Receipt of Notice of Settlement in both English and Spanish as set out in ECF Nos. 27-4 and 27-5;

c. Rejection [Form] of Class Action Settlement in both English and Spanish as set out in ECF Nos. 27-6 and 27-7.

2. Upon mailing of notice as described above, members of the Plaintiff Class shall be informed that they may opt out and therefore reject their participation in the Plaintiff Class

and Class Action settlement on or before February 6, 2017, by sending such opt out decision in writing to counsel for the Plaintiff postmarked on or before February 6, 2017. If a member of the Plaintiff Class timely files such opt out that class member may not be heard to object to the proposed settlement.

3. Upon mailing of notice as described above, members of the Plaintiff Class shall be informed that they may participate in the Class Action settlement and may if they wish also may file an objection to any term or condition of the settlement with which they disagree if they do so in writing on or before February 6, 2017, with such objection addressed to the Court and filed in this case by mailing any such objection postmarked on or before February 6, 2017, and addressed to the Clerk of the U.S. District Court for the District of Colorado, Alfred A. Arraj United States Courthouse, Room A105, 901 19th Street, Denver, CO 80294-3589, noting to the Clerk that the objection should be filed in Case No. 1:16-cv-00177-JLK-MEH, *Dominguez. v. Wilson Roofing Division LLC*.

4. Fifteen (15) days before February 6, 2017, the Class Administrator shall mail a reminder card to the Plaintiff Class Member's address as best then-known to the Class Administrator. Plaintiff shall be entitled to contact members of the Plaintiff Class during through the time of any final approval of the motion for class action settlement to aid and/or assist in expanding contact with members of the Plaintiff Class and may take any such reasonable action such as searching for Class Members through use of a tax identification number, by way of telephone calls or text messages or by way of internet marketing or advertising so long as the expense of such efforts does not exceed the amounts of expenses and cost described by the parties in the Settlement Agreement (ECF 27-1).

5. The hearing date for final approval of this Class Action Settlement will be February 23, 2017, at 10:00 a.m. On the above described notices all Class Members, including those to be newly informed of the settlement process, shall be informed of such date, time and location for the reset Final Fairness Hearing.

7. On or before 10 days preceding that Final Fairness Hearing date the parties shall file a motion for final approval of this Class Action Settlement along with all necessary supporting information.

Done this 15th day of December, 2016.

BY THE COURT:



John L. Kane
Senior U.S. District Court Judge