

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BETTY MORRIS, et al.,

Plaintiffs,

v.

CASE NO. 8:20-cv-105-SDM-CPT

US FOODS, INC.,

Defendant.

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ORDER

The plaintiffs move unopposed for, among other things, preliminary approval of a class action settlement. After careful review, the magistrate judge issued a thorough report (Doc. 49) that recommends certification of the settlement class, preliminary approval of the proposed settlement, and establishment of a schedule for notice to the class and other matters necessary to a final fairness hearing and approval and implementation of the settlement. No one objects to the magistrate judge's report and recommendation.

The report and recommendation (Doc. 49) is **ADOPTED**, and the plaintiffs' motion (Doc. 47) is **GRANTED-IN-PART** as follows:

1. The proposed class is conditionally certified for settlement.

2. The class action settlement agreement and release (Doc. 47-2), which is fair, reasonable, and adequate, is **PRELIMINARILY APPROVED** with the exception of the service award to the class representatives.

3. Donald Reed and Betty Morris are **APPROVED** as the class representatives.

4. The parties' request to approve a "service award" for Reed and Morris is **DENIED** under *Johnson v. NPAS Solutions, LLC*, 975 F.3d 1244 (11th Cir. 2020).

5. Mark R. Edelman of Morgan & Morgan, P.A., and Luis A. Cabassa and Brandon J. Hill of Wenzel Fenton Cabassa, P.A., are **APPROVED** as class counsel.

6. The notice of the proposed class action settlement — both the short form (Doc. 47-3) and the long form (Doc. 47-4) — is **APPROVED** for distribution to the settlement class, but only after the parties amend the notice (1) to strike the service awards; (2) to enlarge — to sixty days after mailing of the notice of the proposed class action settlement and the hearing — the time within which a class member must mail any objection to the proposed settlement; and (3) to state that any class member objecting to the proposed settlement cannot object through the settlement website but must mail the objection in accord with the mailing procedure stated in the long form notice.

7. Immediately upon compliance with the directives in paragraph 6, the parties must file a notice of compliance and must attach a copy of the revised notice of the proposed class action settlement — both the short form (Doc. 47-3) and the long form (Doc. 47-4).

8. The parties must comply with the following schedule:

ACTION	DEADLINE
Defendant to provide class list to settlement administrator	No later than July 24, 2021
Settlement administrator mails notice (Class notice date)	No later than July 28, 2021
Settlement administrator establishes settlement website	As of the class notice date
Deadline for motions for attorneys' fees, costs, and class settlement administration expenses	No later than thirty calendar days after the class notice date
Deadline for objections	No later than sixty calendar days after the class notice date
Deadline for opt outs	No later than sixty calendar days after the class notice date
Deadline for filing claims	No later than sixty calendar days after the class notice date
Deadline to move for final approval	October 14, 2021
Fairness hearing	October 28, 2021 — 9:00 a.m. Tampa Courtroom 15A

ORDERED in Tampa, Florida, on July 14, 2021.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE