

Prince v Project Renewal, Inc.
2021 NY Slip Op 31365(U)
April 21, 2021
Supreme Court, New York County
Docket Number: 160708/2019
Judge: Laurence L. Love
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LAURENCE L. LOVE PART IAS MOTION 63M

Justice

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QUASHAWN PRINCE

Plaintiff,

- v -

PROJECT RENEWAL, INC.,

Defendant.

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INDEX NO. 160708/2019
MOTION DATE 04/20/2021
MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 8, 9, 10, 11, 12, 13, 14, 15

were read on this motion to/for ORDER MAINTAIN CLASS ACTION

The above-entitled matter came before this Court on Plaintiffs' Motion for Preliminary Approval of the Joint Settlement and Release, Certification of the Class for Settlement Purposes, Appointment of the Named Plaintiff, Quashawn Prince, as Class Representative, Appointment of Bouklas Gaylord LLP as Class Counsel, Approval of the Class Notice and Claim Form, and the Scheduling of a Fairness Hearing ("Motion for Preliminary Approval).

I. PRELIMINARY APPROVAL OF SETTLEMENT

Based upon the Court's review of the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Settlement and the Affirmation of Mark Gaylord, Esq., and the exhibits attached thereto, the Court grants preliminary approval of the settlement memorialized in the Joint Stipulation Settlement and Release (the "Settlement Agreement"), attached to the Affirmation of Mark Gaylord as Exhibit A. The Court concludes that the proposed Settlement Agreement is within the range of possible settlement approval, such that notice to the Class is appropriate. The Court finds that the Settlement Agreement is the result of extensive, arm's length

negotiations by counsel well-versed in the prosecution of wage and hour class actions, and that the proposed settlement has no obvious deficiencies.

II. CONDITIONAL CERTIFICATION OF THE PROPOSED SETTLEMENT CLASS

The Court finds that this action satisfies all of the prerequisites of New York Civil Practice Law and Rules (“CPLR”) § 901, and that consideration of the CPLR § 902 factors support certification for purposes of settlement. The Court provisionally certifies the following class under Article 9 of the CPLR, for settlement purposes only (“Settlement Class”): Named Plaintiff and All current and former employees who worked for Defendant in the State of New York from November 4, 2013 through March 13, 2020 who were required as a condition of their employment to wear uniforms; were not offered laundering services for the required uniforms; and did not receive sufficient wages to excuse Defendant from providing uniform maintenance pay or reimbursement.

III. APPOINTMENT OF PLAINTIFFS’ COUNSEL AS CLASS COUNSEL

The Court appoints Bouklas Gaylord LLP as Class Counsel because they performed substantial work identifying, investigating, litigating, and settling Plaintiffs’ and the class members’ claims, have years of experience prosecuting and settling wage and hour class actions, and are well-versed in wage and hour law and in class action law. The work that Bouklas Gaylord LLP has performed both in litigating and settling this case demonstrates their commitment to the class and to representing the class’ interests. The Court appoints Plaintiff Quashawn Prince as the class representative.


IV. CLASS NOTICE AND CLAIM FORM

The Court approves the proposed Plaintiffs Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing (“Class Notice”), attached as Exhibit B to the Affirmation of Mark Gaylord, and directs its distribution to the Class. The Court approves the Claim Form and Individual Release (“Claim Form”) attached as Exhibit C to the Affirmation of Mark Gaylord, and directs its distribution to the Class. CPLR § 908 requires that “[n]otice of the proposed... compromise [of a class action] shall be given to members of the class in such manner as the court directs.” The contents of the Class Notice and Claim Form fully comply with due process. The Class Notice describes the terms of the settlement, informs the class about the allocation of attorneys’ fees and costs, explains how class members can object or opt-out, and provides specific information regarding the date, time, and place of the final approval hearing. The Claim Form provides instructions on how to complete and submit a claim as well as a detailed description of the claims being released.

V. CLASS ACTION SETTLEMENT PROCEDURE

The Court hereby adopts the following settlement procedure: a. Within 30 days after the Court issues its Order Granting Preliminary Approval, the Settlement Administrator shall mail, via First Class United States mail, postage prepaid, the court-approved Class Notice and Claim Form to all Settlement Class Members. b. Settlement Class members will have 60 calendar days after the date the Class Notice and Claim Form is mailed to submit a Claim Form, a current IRS Form W-4, and a current IRS Form W-9 or to request exclusion from the Settlement Class. c. Settlement Class members will have 60 calendar days after the date the Class Notice is mailed to object to the Settlement. d. Class Counsel shall file a Motion for Final Approval on or before August 16, 2021.

e. The Court will hold a final Fairness Hearing on September 20, 2021 at 10:00 am, at the Supreme Court of the State of New York, County of New York, located at 80 Centre Street, New York in courtroom 122 or via Microsoft Teams, if necessary.

4/21/2021		
DATE		LAURENCE L. LOVE, J.S.C.
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART <input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT <input type="checkbox"/> REFERENCE