

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Raymond P. Moore**

Civil Action No. 23-cv-00162-RM-SBP

GLADIS CASTANEDA, on her own behalf and on behalf of all others similarly situated,

Plaintiff,

v.

LOS DOS POTRILLOS LLC,
LOS DOS POTRILLOS HIGHLANDS RANCH LLC,
LOS DOS POTRILLOS LITTLETON LLC,
LOS DOS POTRILLOS PARKER LLC,
LOS DOS POTRILLOS COCINA Y CANTINA—NORTHGLENN LLC,
LOS DOS POTRILLOS COCINA Y CANTINA—SOUTHLANDS LLC,
JOSE LUIS RAMIREZ,
LUIS RAMIREZ, and
DANIEL RAMIREZ,

Defendants.

ORDER

Before the Court is the parties' Joint Motion for Preliminary Approval of Collective and Class Action Settlement. (ECF No. 57.) Having reviewed the Joint Motion and the attached Settlement Agreement and being fully advised in the premises, the Court finds for the purposes of issuing notice per Fed. R. Civ. P. 23(e)(1)(b) that it will likely be able to approve the proposal under Rule 23(e)(2) and will likely be able to certify the class for purposes of judgment on the proposal. The Court further finds that (1) the settlement was honestly and fairly negotiated and not the product of collusion; (2) serious questions of law and fact exist that render the ultimate outcome of the litigation uncertain; (3) the value of the immediate recovery outweighs the

possibility of relief in future litigation; and (4) in the judgment of the parties the settlement is fair and reasonable. Therefore, the Court preliminarily rules that the Parties' agreement is fair and reasonable for the purposes of the Fair Labor Standards Act ("FLSA") and Fed. R. Civ. P. 23.

To facilitate settlement, per the parties' request and upon the showings made in the Joint Motion, the Court conditionally certifies an FLSA collective action defined as: "All Los Dos Potrillos hourly employees from January 19, 2020 through April 8, 2024." Also, per the parties' request and upon the showings made in the Joint Motion, the Court preliminarily certifies a Fed. R. Civ. P. 23 Class Action defined as: "All Los Dos Potrillos hourly employees from January 19, 2017 through April 8, 2024."

Further, it is HEREBY ORDERED that:

- (1) The CPT Group is appointed Class Administrator;
- (2) Brandt Milstein is appointed Class Counsel;
- (3) Gladis Castaneda is appointed Class Representative;
- (4) Defendants shall provide to the Class Administrator all contact information for all potential FLSA opt-in Plaintiffs and all Rule 23 Class Members, including names, last known addresses, email addresses, phone numbers, dates of birth and social security numbers/ITINs;
- (5) The Class Administrator shall disseminate notice of potential opt-in Plaintiffs' right to join the action in the form of FLSA Notice at ECF No. 57-1 (Exhibit A);
- (6) Potential opt-in Plaintiffs shall have 45 days from the date of mailing to opt-in to the FLSA action;
- (7) After the close of the FLSA opt-in period, the Class Administrator shall disseminate the Rule 23 settlement notice in the form at ECF No. 57-1 (Exhibit B);
- (8) Class members shall have 45 days from the date of mailing of the settlement notice to opt-out of or file an objection to the settlement, as described in the Rule 23 Settlement Notice at ECF No. 57-1 (Exhibit B); and

- (9) The Court will hold a Final Fairness Hearing before Senior Judge Raymond P. Moore in Courtroom A601 on the Sixth Floor of the Alfred A. Arraj United States Courthouse located at 901 19th Street, Denver, Colorado, on February 18, 2025, at 10 a.m.

DATED this 18th day of October, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE

Senior United States District Judge