

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DERELL PRUITT on behalf of himself and other
similarly situated laborers,

Plaintiff,

v.

QUALITY LABOR SERVICES, LLC and
HIGHLAND BAKING COMPANY, INC.,

Defendants.

Case No. 16 C 9718

Judge Chang

Magistrate Judge Valdez

PRELIMINARY APPROVAL ORDER

Derell Pruitt (“Named Plaintiff” or “Class Representative”) and Quality Labor Services, LLC (“QLS”) (collectively, the “Parties”), having reached a settlement in this matter on a class-wide basis, the Court having reviewed the Class Action Settlement Agreement, the record in this Litigation, and Plaintiff’s Unopposed Motion for Preliminary Approval of the Parties’ Class Action Settlement Agreement and for Approval of Class Certification, Form and Manner of Class Notice and Scheduling of a Hearing for Final Approval of Settlement,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court hereby preliminarily approves the Class Action Settlement Agreement (“Settlement Agreement”) as being fair, reasonable and adequate. The Settlement is the result of arm’s-length negotiations between experienced attorneys who are familiar with class action litigation in general and with the legal and factual issues of this case in particular.

2. The Court has jurisdiction over the subject matter of this lawsuit and the Parties, including the members of the Class, as defined below.

3. The Court finds that: (1) the Class is so numerous that joinder is impracticable; (2) questions of law and fact are common to the class; (3) the claims of the Class Representative are

typical of the claims of the Class; (4) the Class Representative will fairly and adequately protect the interests of the Class; and that the proposed Class meets the predominance and superiority requirements of Federal Rule of Civil Procedure 23(b)(3).

4. The Court finds that the prerequisites to a class action under Rule 23 of the Federal Rules of Civil Procedure have been met. The case is hereby certified as a class action under Federal Rule of Civil Procedure 23(b)(3). The Court hereby preliminarily certifies the following class:

All African Americans who sought work assignments through Quality Labor Services, LLC at its Gurnee, Illinois Office at any time between October 13, 2012 and the date of Preliminary Approval, but who, on one or more occasions, were not assigned to work at one or more of Quality Labor Services, LLC's client companies by Quality Labor Services, LLC.

5. The claims being certified for settlement purposes are limited to any and all claims of race discrimination against QLS arising out of the Named Plaintiff's and/or Class Members' non-assignment from QLS's Gurnee Office to one or more of QLS's client companies from October 13, 2012 through the date of Preliminary Approval, known or unknown, that the Plaintiff and Class Members may have against any Released Party as that term is defined herein.

6. The Court appoints Plaintiff Derell Pruitt as Class Representative and attorneys Robert S. Libman and Benjamin J. Blustein of Miner, Barnhill & Galland, P.C. and Christopher J. Williams of the National Legal Advocacy Network as Class Counsel. The Court finds that the Class Representative and Class Counsel have provided adequate representation to the Class.

7. The Court appoints Atticus Administration, LLC as the Claims Administrator. The Claims Administrator shall comply with all of the duties and requirements set forth in the Settlement Agreement and applicable federal, state, and local law.

8. The Court approves, as to form and content, the proposed Claim Form and Notice of Class Action Settlement attached to the Settlement Agreement as Exhibits A, B and C, respectively. The Court finds that the procedures for notifying the Class about the Settlement as


described in the Settlement Agreement provide the best notice practicable under the circumstances and therefore meet the requirements of due process.

9. Defendant QLS shall provide the claims administrator with the list of individuals intended to receive the notice on or before March 18, 2022. The claims administrator shall cause the notice to be mailed on April 1, 2022 and the deadline for class members to file claims or opt out of the settlement shall be May 31, 2022. The claims administrator shall provide counsel for the parties a Report of Claimants and Opt-Outs on or before June 14, 2022. Class counsel shall file a motion for final approval of the settlement on or before June 30, 2022.

10. A Fairness Hearing for purposes of determining whether the Settlement Agreement should be finally approved, shall be held before this Court on July 19, 2022 at 12:30 p.m. in Courtroom 2119, located at 219 S. Dearborn Street, Chicago, IL 60604 and may be continued from time to time without further notice. Any objections to the settlement must be received by the claims administrator on or before July 15, 2022 in order to be considered at the hearing.

11. The Court reserves exclusive and continuing jurisdiction over this Litigation, the Class Representative, the Class and QLS for the purposes of: (1) supervising the implementation, enforcement, construction, and interpretation of this Order and the Settlement Agreement upon the entry of a Final Order by this Court granting final approval of the Settlement Agreement and dismissing this Litigation with prejudice, or in the event of an appeal of such Final Order, the final resolution of the appeal upholding the Final Order; (2) hearing and determining any application by Class Counsel for an award of attorneys' fees and costs; (3) supervising the distribution of the Settlement Fund; and (4) resolving any disputes or issues that may arise in connection with this Litigation or the Settlement of this Litigation.

IT IS SO ORDERED.



Hon. Edmund E. Chang
United States District Judge
Northern District of Illinois

Dated this 17th day of February, 2022