

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARIA VECCHIO, individually, and on
behalf of all others similarly-situated,

Plaintiff,

v.

QUEST DIAGNOSTICS, INC.,
EXAMONE WORLD WIDE, INC., and
EXAMONE LLC,

Defendants.

Civil Action No.: 1:16-cv-05165-ER-KNF

MARIA VECCHIO, individually, and on
behalf of all others similarly-situated,

Plaintiff,

v.

QUEST DIAGNOSTICS, INC.,
EXAMONE WORLD WIDE, INC., and
EXAMONE LLC,

Defendants.

Civil Action No.: 1:19-cv-05194-ER

ORDER

Before the Court is an unopposed Amended Joint Stipulation of Settlement and Release (the “Class Stipulation”) by Named Plaintiff Maria Vecchio for entry of an order preliminarily approving the proposed settlement in the above-captioned actions, *Maria Vecchio, individually and on behalf of all others similarly-situated v. Quest Diagnostics, Inc., ExamOne World Wide, Inc., and ExamOne LLC*, Case No. 1:16-cv-05165-ER-KNF, and *Maria Vecchio, individually and on behalf*

of all others similarly-situated v. Quest Diagnostics, Inc., ExamOne World Wide, Inc., and ExamOne LLC, Case No. 1:19-cv-05194-ER. For good cause shown, and as more fully explained in an opinion the Court will file as time permits, the application is **GRANTED**.

For purposes of this Order, all capitalized terms have the same meaning as in the Joint Stipulation of Settlement and Release.

The Court **FINDS and ORDERS** that:

A. This Order shall constitute the Order Granting Preliminary Approval referenced in paragraphs 3.4 and 3.5 of the Parties' Amended Joint Stipulation of Settlement and Release.

B. The Court has jurisdiction over the claims asserted in this matter and over the Parties to this matter.

C. By (a) not timely excluding themselves from these actions within the time provided in the Parties' Joint Stipulation of Settlement and Release, the Participating Class Members, and (b) timely submitting consent to join and/or claim forms, Claimants: (1) provided Named Plaintiff (as Class and Collective Action Representative) and Class Counsel with apparent authority to negotiate and execute a settlement of any and all claims they may have against *Quest Diagnostics, Inc., ExamOne Worldwide, Inc., and ExamOne LLC*, subject to a review for fairness by the Court; and (2) consented and agreed to be bound by any judgment of the Court or any settlement of this matter that the Court reviews and determines to be fair and reasonable.

D. The Court has reviewed the Amended Joint Stipulation of Settlement and Release. For the reasons stated in the order issued concurrently with this Order, the Court finds the Amended Joint Stipulation of Settlement and Release is adequate, fair, and reasonable, that it is in the best interests of the Parties and the Participating Class Members and Claimants, and that it should be and hereby is approved. Likewise, the determination of the individual payments as set forth in

paragraphs 3.4 and 4.4 of the Amended Joint Stipulation of Settlement and Release, and its accompanying Exhibit D, is approved as a fair, equitable, and reasonable allocation of the Maximum Gross Settlement Amount. Accordingly, the Amended Joint Stipulation of Settlement and Release is hereby approved in accordance with the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et seq.*, and Federal Rule of Civil Procedure 23, and it shall be administrated according to its terms.

E. The Court certifies Named Plaintiff, Maria Vecchio, as the Class and Collective Action Representative and Class Counsel as counsel for the Class Members, finds the Named Plaintiff and Class Counsel are authorized to execute this settlement on behalf of the Participating Class Members and Claimants, and approves the Joint Stipulation of Settlement and Release.

F. The Court finds that Participating Class Members meet all of the requisites for class certification pursuant to Federal Rule of Civil Procedure 23, and further finds that Claimants are similarly situated withing the meaning of section 16(b), of the Fair Labor Standards Act, 29 U.S.C. Sec. 216(b), for purposes of determining whether the terms of settlement are fair. Accordingly, for purposes of effectuating the parties' settlement, the Court conditionally certifies the Class and the FLSA Collective action. The Court authorizes the Notice (attached as Exhibit B to the Settlement Agreement) to be mailed to the Settlement Class Members, notifying them of the settlement and of their ability to participate in the settlement.

G. This Order and the Agreement are binding on the Named Plaintiff and all Class Members and Defendants.

H. The Court approves Angeion Group, as the appointed Settlement Administrator.

K. The deadline for Class Members to submit an opt-out statement to exclude

themselves from the settlement will be sixty (60) days after the date of mailing of the Notice (the “Bar Date”). The deadline for Class Members to submit a claim form to become Claimants will also be the Bar Date. To be effective, any Opt-Out Statement and Claim Form must be placed in an envelope addressed to the Settlement Administrator postmarked by the Bar Date.

L. Objections and comments deadlines will be by the Bar Date, which is sixty (60) days after the mailing of the notice to class members.

M. No later than seven (7) calendar days before the Fairness Hearing, Plaintiffs will submit a Motion for Judgment and Final Approval. The Motion for Judgment and Final Approval and supporting memorandum of law will be provided to Defendants for review and comment at least seven (7) calendar days prior to filing the motion with the Court, and Plaintiffs will accept Defendants’ reasonable comments. The Fairness Hearing shall be held at the Court’s convenience, which shall be at least fourteen (14) days after the Bar Date.

It is SO ORDERED.

Dated: New York, New York
June 2, 2023



Edgardo Ramos, U.S.D.J.