

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 21-80826-CIV-CANNON/Reinhart**

**JOHN SKRANDEL,**

Plaintiff,

v.

**COSTCO WHOLESALE CORPORATION,**

Defendant.

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**ORDER CANCELLING HEARING; STAYING CERTAIN DEADLINES;  
AND IMPOSING OTHERS**


**THIS CAUSE** comes before the Court upon the parties' Joint Notice of Settlement [ECF No. 135], filed on May 12, 2023, in which the parties advise that they have reached an agreement on the material terms of a class-wide settlement. As such, the parties request that the Court cancel the Motion Hearing on Plaintiff's Motion for Class Certification, currently scheduled to take place on May 16, 2023 [ECF No. 132] and to schedule a status conference on settlement. The Court has carefully reviewed the file and is fully advised.

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Motion Hearing set for May 16, 2023 [ECF No. 132] is hereby **CANCELLED**.
2. All remaining deadlines in this action are **STAYED** pending Court consideration and possible approval of the parties' forthcoming settlement agreement.
3. A Zoom status conference is scheduled in this matter for **May 30, 2023, 11:30 A.M.** before Judge Aileen M. Cannon in the Fort Pierce Division.
4. On or before **May 26, 2023**, the parties shall file a Joint Status Report proposing particular deadlines for the filing of relevant motions.

5. The parties are advised that the Court will reject any settlement agreement that is not fair, reasonable, and adequate in accordance with the requirements set forth in Rule 23(e) of the Federal Rules of Civil Procedure, including the 2018 amendments to Rule 23(e)(2)(C). *See Williams v. Reckitt Benckiser LLC*, No. 22-11232, 2023 WL 2906311, at \*13 (11th Cir. Apr. 12, 2023).
6. Any proposed notice to class members must include the specific amount of money Class Counsel will seek in its forthcoming Motion for Attorneys' Fees, Costs, Expenses, and Service Awards. *See Fed. R. Civ. P. 23(h)(1)–(2); see also Johnson v. NPAS Sols., LLC*, 975 F.3d 1244, 1252 (11th Cir. 2020) (“Rule 23(h)’s plain language requires a district court to sequence filings such that class counsel file and serve their attorneys’-fee motion before any objection pertaining to fees is due.” (emphasis in original)).
7. The Court will reject any proposed Service Award Payments. *See Johnson*, 975 F.3d at 1257 (citing *Trustees v. Greenough*, 105 U.S. 527 (1882) (upholding award of attorneys’ fees and litigation expenses to lead plaintiff but rejecting payment for “personal services and private expenses”); *Central Railroad & Banking Co. v. Pettus*, 113 U.S. 116 (1885) (prohibiting incentive awards because of the conflict of interest they create between class members)).

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this 12th day of May 2023.

  
AILEEN M. CANNON  
UNITED STATES DISTRICT JUDGE

cc: counsel of record