

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHERRILL FARRELL, et al.,
Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
DEFENSE, et al.,
Defendants.

Case No. 23-cv-04013-JCS

**ORDER GRANTING MOTION FOR
CONDITIONAL CLASS
CERTIFICATION, PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT, AND REASONABLE
ATTORNEYS' FEES AND COSTS**

Re: Dkt. No. 82

Presently before the Court is Plaintiffs' motion for conditional class certification, preliminary approval of the class action settlement and reasonable attorneys' fees and costs ("Motion"). Defendants have filed a statement of nonopposition and further request that the Court consider this matter submitted on the papers for immediate determination without hearing. Dkt. no. 84. The Court has reviewed the memorandum and declarations filed in support of the Motion, the Settlement Agreement and proposed Class Notice, and relevant filings in the case and finds that the Motion is suitable for determination without oral argument. Therefore, the Court vacates the motion hearing noticed for February 12, 2025 pursuant to Civ.L.R. 7-1(b). Good cause appearing, the Court GRANTS the Motion.¹ Pursuant to Federal Rule of Civil Procedure 23, the Court conditionally certifies the Settlement Class and preliminarily approves the class action settlement, and finds as follows:

1) The Court will likely be able to certify the proposed class for the purposes of settlement, and

¹ The parties have consented to the jurisdiction of a United State magistrate judge pursuant to 28 U.S.C. § 636(c).

conditionally certifies the Settlement Class, defined as:

Veterans of the United States Army, Navy, Air Force, and Marine Corps who were administratively separated prior to September 20, 2011, and whose most recent Service separation document shows their basis for discharge was sexual orientation, homosexual conduct, homosexual admission, homosexual marriage, similar language, or a policy title or number signifying separation for sexual orientation.

- 2) Plaintiffs have demonstrated that the proposed class is so numerous that joinder is impractical, satisfying Rule 23(a)(1); that there are questions of law and fact common to the proposed class, satisfying Rule 23(a)(2); and that a class action is superior to other available means of adjudicating this dispute.
- 3) Named Plaintiffs Sherrill Farrell, James Gonzales, Jules Sohn, and Lilly Steffanides have demonstrated that their claims are typical of those of the class, satisfying Rule 23(a)(3), and that they will fairly and adequately represent the class, satisfying Rule 23(a)(4). Accordingly, the Court appoints Sherrill Farrell, James Gonzales, Jules Sohn, and Lilly Steffanides as Class Representatives.
- 4) Pursuant to Federal Rule of Civil Procedure 23(g), the Court appoints Impact Fund, Legal Aid at Work, King & Spalding LLP, and Haynes and Boone, LLP as Class Counsel for the Settlement Class.
- 5) The Court will likely be able to approve the proposed settlement as fair, reasonable, and adequate under Federal Rule of Civil Procedure 23(e)(2), including its provisions for appropriate class notice and reasonable attorneys' fees and costs. The Court authorizes provision of class notice as set forth in the Settlement Agreement. The proposed notice attached to the Settlement Agreement is approved subject to the following modifications, which are entirely nonsubstantive:
 - The notice shall reflect that a hearing on entry of final approval of the settlement and an award of fees and expenses to Class Counsel ("the Fairness Hearing") will be conducted on **March 12, 2025 at 9:30 a.m.** in Phillip Burton Federal Building & United States Courthouse, Courtroom B, 15th Floor, 450 Golden Gate Ave., San Francisco, CA 94102. The notice will further reflect that the Fairness Hearing will be

live-streamed via Zoom, for the purposes of observing only, using the following credentials: Webinar ID 161 926 0804; Password: 050855.

- Pursuant to Paragraph 26 of the Settlement Agreement, the notice shall reflect that any Class Member objections sent to the Court must be received by the Clerk's Office by **February 19, 2025**. Objections that are mailed to the Court should be sent to the following address:

Clerk's Office
United States District Court for the Northern District of California
16th Floor, 450 Golden Gate Avenue
San Francisco, CA 94102-3489

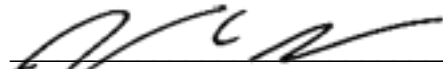
Attn: Case No. 23-cv-4013-JCS

6) Any responses to Class Member objections shall be filed by **February 26, 2025**.

7) Plaintiffs' Motion for Final Approval and Motion for Award of Attorneys' Fees and Costs shall be filed by **February 12, 2025**.

IT IS SO ORDERED.

Dated: January 8, 2025


JOSEPH C. SPERO
United States Magistrate Judge