

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EVAN NORDGREN

Case No. 13-cv-840

Plaintiff,

vs.

EPIC SYSTEMS CORPORATION

Defendant.

**JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT AND JOINT STIPULATION FOR CLASS CERTIFICATION**

The parties, by and through their undersigned counsel, hereby move the Court for:

- (1) An Order preliminarily approving the Settlement Agreement in this case;
- (2) An Order granting the Parties' Joint Stipulation for Class Certification pursuant to Fed. R. Civ. P. 23;
- (3) All other relief as set forth in Plaintiff's Proposed Order for Preliminary Approval.

For the reasons outlined in the memorandum of law filed herewith, the parties believe the Settlement Agreement provides for a fair resolution of the disputes between the parties, and respectfully request that the Court grant preliminary approval of the settlement.

Additionally, based on the parties' stipulation below, and for purposes of settlement only, the parties believe that Fed. R. Civ. P. 23 class certification is

appropriate.

The parties stipulate and agree that the requisites for establishing Fed. R. Civ. P. 23 class certification with respect to the Class as defined below have been and are met. More specifically, the parties stipulate and agree that the Class, defined as:

All persons who have been or are employed by Epic Systems Corporation as a Quality Assurance employee (excluding Team Leads and similar positions) at any time from December 6, 2011 to September 6, 2014.

- (1) Is so numerous as to make it impracticable to join all Class Members;
- (2) There are common questions of law and fact including, but not limited to, the following:
 - a. Whether Epic maintained a common practice of unlawfully failing to pay overtime compensation to the Named Plaintiff and members of the putative Class in violation of and within the meaning of Wis. Stat. §103.03 and Wis. Admin. Code §DWD 274.03;
 - b. Whether the Named Plaintiff and the Wisconsin Overtime Class are exempt from overtime compensation under Wisconsin Law; and
 - c. The nature and amount of compensable work performed by the Named Plaintiff and members of the putative Class.
- (3) Plaintiff Evan Nordgren has claims typical of the claims of Class Members with respect to the violations alleged in the Plaintiff's Complaint;
- (4) The Named Plaintiff and Plaintiff's Counsel will fairly and adequately protect

the interests of the Class;

(5) Questions of law and fact common to the members of the Classes

predominate over any questions affecting any individual member of the Class and a class action is superior to other available means for the fair and efficient adjudication of this controversy.

If the parties' proposed settlement is not finally approved by the Court, or the settlement is terminated or fails to become effective in accordance with the terms of the Settlement Agreement, this Stipulation and the Court's Order as to this Stipulation shall be vacated without further order of the Court and without prejudice to the right of any party to seek or oppose class certification thereafter.

Respectfully submitted this 31st day of October, 2014.

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