

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA

Huntsman v. Southwest Airlines Co.

Huntsman · No. 3:19-cv-00083-JSC · Decided December 11, 2025

SUMMARY

The United States District Court for the Northern District of California grants preliminary approval of a class action settlement in Jayson Huntsman’s action against Southwest Airlines Co. The action alleges that Southwest’s refusal to provide paid leave for short-term military leave violated USERRA. The order provisionally certifies the settlement class, approves the notice plan, appoints David Cash as an additional class representative, and schedules deadlines for objections and final approval.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Jacqueline Scott Corley                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                                                                                                         |
| DECIDED               | December 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | 3:19-cv-00083-JSC                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | approved                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Plaintiff moved for preliminary approval of a class action settlement in an action alleging that Southwest's failure to provide paid leave for short-term military leave violated USERRA. The district court preliminarily certified the settlement class, conditionally appointed a substitute class representative and class counsel, approved the settlement and notice plan on a preliminary basis, and set deadlines for objections and final approval. |
| STANDARD OF REVIEW    | At the preliminary approval stage, the court evaluates whether it will likely be able to certify the class for purposes of judgment and approve the settlement under Rule 23(e)(2), based on a preliminary fairness evaluation. The proposed settlement must appear to result from serious, informed, non-collusive negotiations, lack improper preferential treatment and obvious deficiencies, and fall within the range of possible approval.             |
| PRECEDENTIAL VALUE    | unpublished district court order; limited persuasive value                                                                                                                                                                                                                                                                                                                                                                                                   |

## PARTIES

Jayson Huntsman v. Southwest Airlines Co.

## TOPICS

class actions civil procedure attorney fees injunctions military law

## PRACTICE AREAS

class actions employment law civil procedure military law attorney fees

## QUESTIONS PRESENTED

1. Whether the proposed settlement class could be preliminarily certified under Federal Rule of Civil Procedure 23.
2. Whether David Cash could be conditionally substituted as a class representative after Jayson Huntsman's claim for programmatic relief became moot.
3. Whether the proposed class action settlement was sufficiently fair, adequate, reasonable, non-collusive, and free of obvious deficiencies to warrant preliminary approval under Rule 23(e).
4. Whether the proposed notice plan satisfied the requirements of Rule 23(c)(2)(B).
5. Whether the court could defer determination of the reasonableness of attorneys' fees, litigation costs, and service awards until the final approval process.

## HOLDINGS

1. The court preliminarily certified the modified settlement class for settlement purposes because the previously certified Rule 23(b)(3) class remained adequate and the settlement agreement only clarified the end date of the class period.
2. A substitute class representative may be conditionally appointed when the original named plaintiff's claim becomes moot after class certification and the substitute adequately represents the class.
3. The proposed settlement warranted preliminary approval because it appeared to result from serious, informed, non-collusive negotiations, did not present improper preferential treatment or obvious deficiencies, and fell within the range of possible approval.
4. The proposed notice plan, as revised, satisfied Rule 23(c)(2)(B) for purposes of preliminary approval because it provided practicable individual and electronic notice and adequately described the settlement and procedures for obtaining information and objecting.
5. The court did not finally determine the reasonableness of the requested attorneys' fees, costs, or service awards at the preliminary approval stage and required supporting documentation and an opportunity for class members to object before final determination.

## KEY QUOTATIONS

*“At the preliminary approval stage, the court should grant such approval only if it is justified by the parties’ showing that the court will likely be able to (1) “certify the class for purposes of judgment on the proposal”*

*and (2) “approve the proposal under Rule 23(e)(2).”*” (at 1)

*“The settlement thus appears the product of serious, informed, non-collusive negotiations.”* (at 6)

*“The \$18.5 million recovery therefore represents 74.2% of the lowest damages scenario and 26% of the highest.”* (at 8)

*“Notice is satisfactory if it generally describes the terms of the settlement in sufficient detail to alert those with adverse viewpoints to investigate and to come forward and be heard.”* (at 9)

*“The party requesting fees bears the burden “of submitting billing records to establish that the number of hours it requested are reasonable,””* (at 10)

## FACTUAL BACKGROUND

Jayson Huntsman brought the action on behalf of Southwest employees who took short-term military leave while subject to qualifying collective bargaining agreements. He alleged that Southwest violated USERRA by refusing to provide paid leave for short-term military absences while providing paid leave for comparable nonmilitary absences. After extensive discovery, expert analysis, more than twenty depositions, and mediation, the parties negotiated an \$18.5 million settlement that also provides up to ten days of paid short-term military leave annually beginning in 2026.

## PROCEDURAL HISTORY

The action had been litigated for approximately five years. The court had previously certified a Rule 23(b)(3) class, and Southwest had moved to decertify the class when the parties reached a settlement after discovery and mediation. Because the named plaintiff retired from the military and no longer had standing to seek programmatic relief, the court conditionally appointed David Cash as a substitute class representative. The court scheduled a later final approval hearing and did not make a final determination regarding attorneys' fees, costs, or service awards.

## DISPOSITION

approved

## CASES CITED

- Villegas v. J.P. Morgan Chase & Co., 2012 WL 5878390, at \*5 (N.D. Cal. Nov. 21, 2012)
- United States Parole Comm'n v. Geraghty, 445 U.S. 388, 415 n.8 (1980)
- Lierboe v. State Farm Mut. Auto. Ins. Co., 350 F.3d 1018, 1023 n.6 (9th Cir. 2003)
- In re Syncor ERISA Litig., 516 F.3d 1095, 1100 (9th Cir. 2008)
- In re Heritage Bond Litig., 546 F.3d 667, 674-75 (9th Cir. 2008)
- Roes, 1-2 v. SFBSC Mgmt., LLC, 944 F.3d 1035, 1048 (9th Cir. 2019)
- Briseño v. Henderson, 998 F.3d 1014, 1023 (9th Cir. 2021)
- In re Bluetooth Headset Prod. Liab. Litig., 654 F.3d 935, 941-47 (9th Cir. 2011)

- In re Lenovo Adware Litig., 2018 WL 6099948, at \*7-8 (N.D. Cal. Nov. 21, 2018)
- Harris v. Vector Mktg. Corp., 2011 WL 1627973, at \*8 (N.D. Cal. Apr. 29, 2011)
- Acosta v. Trans Union, LLC, 243 F.R.D. 377, 396 (C.D. Cal. 2007)
- Rodriguez v. W. Publ'g Corp., 563 F.3d 948, 958 (9th Cir. 2009)
- Staton v. Boeing Co., 327 F.3d 938, 976-78 (9th Cir. 2003)
- Churchill Vill., L.L.C. v. Gen. Elec., 361 F.3d 566, 575 (9th Cir. 2004)
- In re Mercury Interactive Corp. Sec. Litig., 618 F.3d 988, 992, 995 (9th Cir. 2010)
- Powers v. Eichen, 229 F.3d 1249, 1256-57 (9th Cir. 2000)
- Gonzalez v. City of Maywood, 729 F.3d 1196, 1202 (9th Cir. 2013)
- Camancho v. Bridgeport Fin., Inc., 523 F.3d 973, 980 (9th Cir. 2008)

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