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and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

ROSIE SHRAMEK, individually and on
behalf of all similarly situated individuals,

Plaintiff,

v.

MARBLE USA, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 37-2020-00031880-CU-OE-CTL

Assigned to the Hon. Kenneth J. Medel, Dept. C-66

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: November 5, 2021

Time: 9:30 a.m.

Dept.: C-66

Reservation Number: 2380529

Complaint Filed: September 11, 2020

Plaintiff Rosie Shramek's ("Plaintiff") motion for preliminary approval of class action settlement came on for hearing before this Court in Department C-66, Judge Kenneth J. Medel presiding, on November 5, 2021. The Court, having considered the papers submitted in support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

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1 1. The Court grants preliminary approval of the settlement based upon the terms set
2 forth in the Joint Stipulation for Settlement of Class and PAGA Representative Action and Release
3 of Claims (the “Settlement Agreement”) filed with the Court. The settlement appears to be fair,
4 adequate, and reasonable to the class;

5 2. The settlement falls within the range of reasonableness and appears to be
6 presumptively valid, subject only to any objections that may be raised at the final hearing;

7 3. The Court approves, as to form and content, the Notice of Class and PAGA
8 Representative Action Settlement (the “Notice”);

9 4. The Court directs the mailing of the Notice by first class mail to Class Members in
10 accordance with the schedule set forth below. The Court finds that the dates selected for the mailing
11 and distribution of the Notice, as set forth herein, meet the requirements of due process and provide
12 the best notice practicable under the circumstances and shall constitute due and sufficient notice to
13 all persons entitled thereto;

14 5. It is ordered that the Class is preliminarily certified for settlement purposes. The
15 Class is defined as follows: all current and former employees of Defendant, classified as non-
16 exempt or hourly-paid workers not exempt from overtime, who worked for Defendant in California
17 at any time during the period starting four years before the commencement of this action
18 (September 11, 2016) through and including March 31, 2021;

19 6. The Court confirms Gaines & Gaines, APLC Class Counsel, and grants preliminary
20 approval of an award of attorneys’ fees of not more than \$350,000 and documented litigation costs
21 of up to \$12,000 to Class Counsel, subject to final approval by the Court following a further motion
22 by Class Counsel;

23 7. The Court confirms Rosie Shramek as the Class Representative and grants
24 preliminary approval to Class Representative Service Award in the amount of \$12,000 for her
25 service in the Action;

26 8. The Court grants preliminary approval of the Private Attorneys General Act
27 payment of \$15,000 to the Labor and Workforce Development Agency;
28

9. The Court hereby approves ILYM Group, Inc. as the Settlement Administrator and grants preliminary approval of the payment of fees and other charges of the Settlement Administrator in an amount not to exceed \$25,500;

10. The Court orders the following schedule of dates for the specified actions/further proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide the Settlement Administrator a list of all Class Members, including the full name, last known address, social security number, and the total number of workweeks that the Class Member worked for Defendant during the Class Period ("Class Information")	10 calendar days after entry of Court's Order granting preliminary approval of the Settlement Agreement
Last day for Settlement Administrator to mail Notice to Class Members	14 calendar days after Settlement Administrator receives Class Information
Last day for exclusion requests by Class Members to be postmarked to Settlement Administrator	60 calendar days after mailing of Class Notice
Last day for written objections to the settlement by Class Members to be postmarked to Settlement Administrator	60 calendar days after mailing of Class Notice
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days prior to the final settlement approval hearing date
Final settlement approval hearing	_____, 2021, at _____. [approximately 100 calendar days after entry of this Order]

Dated: _____, 2021

JUDGE OF THE SUPERIOR COURT