

Carolyn H. Cottrell (SBN 166977)
 David C. Leimbach (SBN 265409)
 Andrew T. Cooledge (SBN 273909)
 SCHNEIDER WALLACE
 COTTRELL KONECKY LLP
 2000 Powell Street, Suite 1400
 Emeryville, California 94608
 Tel: (415) 421-7100
 Fax: (415) 421-7105
 ccottrell@schneiderwallace.com
 dleimbach@schneiderwallace.com
 acooledge@schneiderwallace.com

Edwin Aiwarzian (SBN. 232943)
 edwin@calljustice.com
 LAWYERS for JUSTICE, PC
 410 West Arden Avenue, Suite 203
 Glendale, California 91203
 Tel: (818) 265-1020; Fax: (818) 265-1021

*Attorneys for Plaintiffs, the Putative Class, and
 Aggrieved Employees*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES**

SAMEHESHA WILLIAMS, CLAUDE
 MORIN, individually, and on behalf of other
 members of the general public similarly
 situated,

Plaintiffs,

v.

KARL STORZ ENDOSCOPY-AMERICA,
 INC., a California corporation; and DOES 1
 through 100, inclusive,

Defendants.

Case No.: 21STCV43018

**~~[PROPOSED]~~ ORDER GRANTING
 PRELIMINARY APPROVAL OF CLASS
 ACTION AND PAGA SETTLEMENT,
 CONDITIONAL CERTIFICATION OF
 PROPOSED CLASS, APPROVAL OF
 NOTICE, AND SETTING OF HEARING
 FOR FINAL APPROVAL**

Hon. Carolyn B. Kuhl
 Department 12 (Spring Street Courthouse)
 Date: June 13, 2023
 Time: 10:30 AM

Complaint filed: November 22, 2021
 FAC filed: January 19, 2023
 Trial Date: None Set

[Class Action]

FILED
 Superior Court of California
 County of Los Angeles

06/13/2023

David W. Slayton, Executive Officer / Clerk of Court

By: L. McGreené Deputy

1 The Motion for Preliminary Approval of Class Action Settlement, Conditional
2 Certification of Settlement Class, Approval of Notice, and Setting of Hearing for Final Approval
3 (the “Motion”), filed by Plaintiffs Samehesha Williams and Claude Morin, on behalf of themselves
4 and all others similarly situated (“Plaintiffs”), came on regularly for hearing before this Court on
5 June 13, 2023 at 10:30 a.m. The Court, having considered the proposed Class Action and PAGA
6 Settlement Agreement and Class Notice (“Settlement”), attached as **Exhibit A** to the Declaration
7 of Carolyn H. Cottrell (“Cottrell Decl.”) filed concurrently with the Motion, as well as the Motion,
8 Memorandum of Points and Authorities in support thereof, supporting declaration, and any
9 argument presented at the hearing on the Motion, and good cause appearing, **HEREBY ORDERS**
10 **THE FOLLOWING:**

11 1. The Court **GRANTS** preliminary approval of the class action settlement as set forth
12 in the Settlement and finds its terms to be within the range of reasonableness of a settlement that
13 could be finally approved by the Court at a Final Approval Hearing.

14 2. For purposes of the Settlement only, the Court finds that the proposed Class is
15 ascertainable and that there is a sufficiently well-defined community of interest among the Class
16 Members in questions of law and fact. Therefore, for settlement purposes only, the Court grants
17 conditional certification of the Class, which is defined as all current and former non-exempt
18 employees who worked for Defendant in California at any time between November 22, 2017 and
19 either March 6, 2023 or the date of Preliminary Approval of the Settlement, whichever date is
20 earlier.

21 3. For purposes of the Settlement only, the Court designates Plaintiffs Samehesha
22 Williams and Claude Morin as Class Representatives, and designates Carolyn Hunt Cottrell, David
23 C. Leimbach and Andrew T. Cooledge of Schneider Wallace Cottrell Konecky LLP, and Edwin
24 Aiwasian of Lawyers for Justice, as Class Counsel.

25 4. The Court designates ILYM Group, Inc. as the third-party Settlement Administrator
26 for issuing notice to Class Members.

1 5. The Court approves, as to form and content, the Court-Approved Notice of Class
2 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”) in the form
3 attached to the Cottrell Decl. as **Exhibit B**. Minor, non-substantive changes are permitted to the
4 extent required to facilitate notice administration. The estimated costs of litigation need to be added
to the Notice.

5 6. The Court finds that the form of notice to the Class Members regarding the pendency
6 of the action and of the Settlement, and the methods of giving notice to Class Members, constitute
7 the best notice practicable under the circumstances, and constitute valid, due, and sufficient notice
8 to all Class Members. The form and method of giving notice comply fully with the requirements
9 of Code of Civil Procedure § 382, Civil Code § 1781, California Rules of Court 3.766 and 3.769,
10 the California and United States Constitutions, and other applicable law.

11 7. The Court further approves the procedures for Class Members to opt out of or object
12 to the Settlement, as set forth in the Class Notice.

13 8. The procedures and requirements for submitting written objections in connection
14 with the Final Approval Hearing are intended to ensure the efficient administration of justice and
15 the orderly presentation of any Class Member’s objection to the Settlement, in accordance with
16 the due process rights of all Class Members. Class Members are permitted to appear at the Final
17 Approval Hearing and object to the Settlement even if they do not submit written objections.

18 9. The Court directs the Settlement Administrator to send the Class Notice to the Class
19 Members via first-class U.S. Mail in accordance with the terms of the Settlement.

20 10. The Class Notice shall provide at least 30 days’ notice from the date of initial
21 mailing for Class Members to opt out of, or object to, the Settlement.

22 11. The Court hereby schedules the Final Approval Hearing on the question of whether
23 the Settlement should be finally approved as fair, reasonable, and adequate for
24 Nov. 7, 2023, at 10:30am a.m. / p.m., in Department 12.

25 12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
26 should be finally approved as fair, reasonable, and adequate for the Class and Aggrieved
27 Employees; (b) whether a judgment granting final approval of the Settlement should be entered;

and (c) whether Plaintiff's application for reasonable attorneys' fees, reimbursement of litigation costs, Service Awards to Plaintiffs, and settlement administration costs should be granted.

13. Counsel for the parties shall file memoranda, declarations, and other materials in support of their request for final approval of the Settlement, attorneys' fees, litigation expenses, Plaintiffs' Service Awards, and settlement administration costs prior to the Final Approval Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

14. Administration of the Settlement shall proceed according to the following implementation schedule:

Preliminary Approval granted	TBD
Deadline for Defendant to provide Class Data to Settlement Administrator	30 days after Preliminary Approval granted
Deadline for Settlement Administrator to send the Class Notice to Class Members via first-class U.S. Mail	14 days after receiving Class Data
Deadline for Class Members to opt-out or object	30 days after mailing of Class Notice
Settlement Administrator to provide the Administrator's Declaration of due diligence with regard to the mailing of the Class Notice Packet	14 days before date by which Plaintiffs must file motion for Final Approval
Deadline to file final approval motion 16 court days prior to the final approval hearing	At least 7 days before Final Approval Hearing and after the Response Deadline (30 days after mailing of Class Notice)
Final Approval Hearing	TBD Nov. 7, 2023 at 10:30 am
Effective Date	Date by which: (1) the Court has entered judgment on its Order granting final approval of the Settlement and (2) that judgment is final
Deadline for Defendant to fund the Gross Settlement Amount of \$900,000.00 to the Settlement Administrator	30 days after Effective Date
Deadline for the Settlement Administrator to mail Individual Class Payments, Individual PAGA Payments, the LWDA PAGA Payment, the Administration Expenses Payment, the Class Counsel Fees Payment, the Class Counsel	15 days after Defendant funds Gross Settlement Amount

Litigation Expenses Payment, and the Class Representative Service Payment	
Expiration of Individual Settlement Payment checks (checks become void and no longer available if not cashed by this date)	180 days after mailing
Settlement Administrator to provide written report of completion for filing with the Court	At least 15 days before any deadline set by the Court

15. Pending the Final Approval Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are hereby stayed. The time period for bringing this action to trial pursuant to Code of Civil Procedure §§ 583.310, *et seq.*, is hereby tolled until further order of the Court.

16. Counsel for the parties are hereby authorized to use all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

17. In the event the Settlement is not finally approved, or otherwise does not become effective in accordance with the terms of the Settlement Agreement, this Order shall be rendered null and void and shall be vacated, and the Parties shall revert to their respective positions as of before entering into the Settlement Agreement. The Court's findings are for purposes of certifying a settlement class and to settle the matter and will not have any claim or issue preclusion or estoppel effect in this action or any other action against Defendants, if the Settlement is not finally approved.

IT IS SO ORDERED.

Dated: 06/13/2023, 2023



Carolyn B. Kuhl

Carolyn B. Kuhl / Judge

The Honorable Carolyn B. Kuhl
Judge of the Superior Court