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and Proposed Class Counsel  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF EL DORADO**  
11

12 AARON PAUL, REBECCA JOINER,  
individually on behalf of themselves, and  
13 on behalf of all similarly situated  
individuals,

14 Plaintiffs,

15 v.

16 THE RIVA PARTNERS, a California  
17 limited partnership, and DOES 1 through  
10, inclusive,

18 Defendants.  
19  
20

CASE NO: SC20200155

*Assigned to the Hon. Michael J. McLaughlin, Dept.  
4*

CLASS ACTION

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

**DATE: December 9, 2022**

**TIME: 1:30 p.m.**

**DEPT.: 4**

*Action Filed: November 2, 2020*

21  
22 Plaintiffs Aaron Paul and Rebecca Joiner's (collectively, "Plaintiffs") motion for  
23 preliminary approval of class action settlement came on for hearing before this Court in  
24 Department 4, Judge Michael J. McLaughlin presiding, on December 9, 2022. The Court, having  
25 considered the papers submitted in support of the motion and having heard oral argument of the  
26 parties, **HEREBY ORDERS THE FOLLOWING:**

27 \\  
28

1           1.       The Court grants preliminary approval of the settlement based upon the terms set  
2 forth in the Joint Stipulation of Class Action Settlement and Release of Claims ("Settlement  
3 Agreement") filed with the Court. The settlement appears to be fair, adequate, and reasonable to  
4 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 Pendency of Proposed  
8 Class Action Settlement and Final Hearing ("Notice") and Request for Exclusion form  
9 ("Exclusion Form");

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

16          5.       It is ordered that the settlement class is preliminarily certified for settlement  
17 purposes only. The Settlement Class is defined as follows: all individuals who worked for  
18 Defendant as a non-exempt employee in California at any time between November 5, 2016 and  
19 July 15, 2022;

20          6.       The Court confirms Daniel F. Gaines, Esq. and Alex P. Katofsky, Esq. of Gaines  
21 & Gaines, APLC as Class Counsel;

22          7.       The Court confirms Aaron Paul and Rebecca Joiner as the Class Representatives;

23          8.       The Court grants preliminary approval of the Private Attorneys General Act  
24 payment of \$7,500 to the Labor and Workforce Development Agency;

25          9.       The Court hereby approves ILYM Group, Inc. as the Settlement Administrator and  
26 grants preliminary approval of the payment of fees and other charges of the Settlement  
27 Administrator in an amount not to exceed \$12,000; and  
28

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

| <u>EVENT</u>                                                                                                                                                                                                                                                                                                                                   | <u>TIMING</u>                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and total wages paid (including gratuities) during employment in a non-exempt position in California during the Class Period ("Settlement Class Information") | 10 calendar days after entry of Court's Order granting preliminary approval of Settlement                                                               |
| Last day for Settlement Administrator to mail Notice and Exclusion Form to Class Members via U.S. Mail                                                                                                                                                                                                                                         | 20 calendar days after entry of Court's Order granting preliminary approval of Settlement                                                               |
| Last day for Class Members to submit a written Request for Exclusion to Settlement Administrator                                                                                                                                                                                                                                               | 45 calendar days after the initial mailing of the Class Notice to Class Members                                                                         |
| Last day for Class Members to file an Objection with the Court                                                                                                                                                                                                                                                                                 | 45 calendar days after the initial mailing of the Class Notice to Class Members                                                                         |
| Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs                                                                                                                                                                                                   | _____, 2023                                                                                                                                             |
| 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                                                                                                                                                           | _____, 2023                                                                                                                                             |
| Final settlement approval hearing                                                                                                                                                                                                                                                                                                              | _____, 2023,<br>at _____. The Parties suggest the final approval hearing be held approximately 90 days after this preliminary approval order is signed. |

23 Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT