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Superior Court of California
County of Los Angeles

12/07/2021

Sherri R. Carter, Executive Officer / Clerk of Court

By: L. McGreené Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, UNLIMITED JURISDICTION**

XOCHILT CARRILLO, an individual; and
ISMAEL CARRILLO, an individual; ELIA
RODRIGUEZ ARELLANO, an individual;
PEDRO SOSA, an individual; ANA LAURA
CUEVAS, and GABRIEL ZAMORA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

GENESSY MANAGEMENT AND
DEVELOPMENT LLC, a limited liability
corporation; J O ARMOR INVESTMENTS, a
sole proprietor; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO. 18STCV01362

Assigned for all purposes to:
Hon. Carolyn Kuhl, Dept. 12 (SSC)

CLASS ACTION

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

[Filed concurrently with Supplemental
Declaration of Shoshee Hui in Support of
Motion for Preliminary Approval of Class
Action Settlement; Proof of Service]

Complaint Filed: October 18, 2018

1 **[PROPOSED] ORDER**

2 Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, which included a
3 request for provisional certification of the proposed Settlement Class, approval of the form and
4 manner of notice of the settlement, approval of the procedures and deadline for asserting
5 objections to or opting out of the proposed settlement, and a final approval hearing, was filed
6 with the Court on October 4, 2021 and came on for hearing on November 2, 2021 at 10:30 a.m.
7 in Department 12 of the above-entitled court. Pursuant to the Court's Order on November 2,
8 2021, supplemental materials were filed with the Court on November 24, 2021. The Court has
9 considered the Parties' Class Action Settlement Agreement ("Agreement") and Class Action
10 Settlement Agreement Addendum ("Addendum") and all other papers filed in this action.
11

12 NOW, THEREFORE, IT IS HEREBY ORDERED:

13 1. This Order incorporates by reference the definitions in the Agreement and
14 Addendum. To the extent that terms are defined in the Agreement and Addendum, all defined
15 terms contained herein shall have the same meanings as set forth in the Agreement and
16 Addendum.

17 2. The Court hereby preliminarily approves the proposed class action settlement.
18 The Court finds that the proposed settlement is within the range of reasonable of a settlement that
19 could ultimately be given final approval by this Court. The Court further finds that the settlement
20 has been reached through arm's-length bargaining.

21 3. Pursuant to California Code of Civil Procedure § 382, the following Settlement
22 Class is hereby provisionally certified for settlement purposes only: Any and all persons who are
23 employed or who have been employed by Defendants J O Armor Investments and/or Genessy
24 Management and Development, LLC within the State of California in an onsite resident manager
25 position at any time between October 18, 2014 and May 26, 2021.

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4. Plaintiffs Elia Rodriguez Arellano, Pedro Sosa, Ana Laura Cuevas, and Gabriel Zamora are appointed as the Settlement Class Representatives, and their counsel, Hennig Kramer Ruiz & Singh LLP, is appointed Class Counsel for the Settlement Class.

5. A Fairness Hearing shall be held on 3/22/2022 at 10:30 AM ~~a.m. / p.m.~~ in Department 12 of the Los Angeles Superior Court located at 312 N. Spring St., Los Angeles, CA 90012, to determine all necessary matters concerning the Agreement and Addendum, including whether the proposed settlement of the action on the terms and conditions provided for in the Agreement and Addendum are fair, adequate, and reasonable and should be finally approved by the Court. At that time, a hearing of Class Counsel's Application for Attorneys' Fees, Costs, and Class Representative's Enhancement Award shall also be held.

6. The Court hereby approves, as to the form and content, the Notice of Class Action Settlement (“Notice” to be sent to Settlement Class Members, a copy of which is attached as an exhibit to the Agreement and Addendum. The Court finds that distribution of the Notice to Settlement Class Members substantially in the manner and form set forth in the Agreement and Addendum and this Order meets the requirements of due process and shall constitute due and sufficient notice to all parties entitled thereto.

7. Defendants shall provide the Class Information to the Settlement Administrator within thirty (30) calendar days of the entry of this Order. Phoenix Class Action Administration Solutions is approved as the Settlement Administrator and the Settlement Administration Costs shall be paid as set forth in the Agreement.

8. The Court hereby directs the Settlement Administrator to distribute the approved Notice to Settlement Class Members, in English and Spanish, using the procedures set forth in the Agreement within ten (10) business days of receiving the Class Information from Defendant.

9. Any Settlement Class Member may choose to opt out of and be excluded from the Settlement Class as provided in the Agreement and Notice by following the instructions for requesting exclusion. Requests to be excluded must be postmarked within forty-five (45)

1 calendar days after mailing of the Notice, or sixty (60) calendar days after initial mailing of the
2 Notice, for notices that are re-mailed. Any person who timely and properly opts out of the
3 settlement will not be bound by the Agreement and Addendum or have any right to object,
4 appeal, or comment thereon. Any exclusion request must be signed by each such Settlement
5 Class Member opting out and must otherwise comply with the requirements delineated in the
6 Agreement and Notice. Settlement Class Members who have not requested exclusion by
7 submitting a valid and timely request for exclusion shall be bound by all determinations of the
8 Court, the Agreement, and the Final Judgment.

9 10. Any Settlement Class Member may object to the Agreement or express his or her
10 views regarding the Agreement, and may present evidence and file briefs or other papers that
11 may be proper and relevant to the issues to be heard and determined by the Court as provided in
12 the Notice. Any objections must be postmarked within forty-five (45) calendar days after
13 mailing of the Notice, or sixty (60) calendar days after initial mailing of the Notice, for notices
14 that are re-mailed. No Settlement Class Member, however, shall be entitled to object, and no
15 papers or briefs submitted by any such person shall be received or considered by the Court,
16 unless on or before the objection response deadline the Settlement Class Member, or his or her
17 counsel, has properly filed their objections with the Settlement Administrator as provided in the
18 Agreement and Notice. Any Settlement Class member who does not make his or her objection in
19 the manner provided for in the Agreement and Notice shall be deemed to have waived such
20 objection and shall be foreclosed from objecting to the settlement.

21 11. The Motion for Final Approval and Application for Attorney's Fees, Costs, and
22 Class Representative Enhancement Award shall be filed by Plaintiffs no later than sixteen (16)
23 court days before the Final Fairness and Approval Hearing.

24 12. Pending the Final Fairness and Approval Hearing, all proceedings in this action,
25 other than proceedings necessary to carry out or enforce the terms and conditions of the
26 Settlement Agreement and this Order, are stayed.

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13. The Court orders the following Implementation Schedule for further proceedings:

Event	Date
Last Day for Defendant to provide Class Information to Settlement Administrator	30 days after preliminary approval
<u>Notice Date</u> : Last day for Settlement Administrator to mail the Notice to Class Members	10 business days after receiving Class Information
<u>Response Deadline</u> : Last day on which Settlement Class Members may postmark written requests for exclusion or a Notice of Objection to the Settlement	30 days after Notice Date, or 60 days after Notice Date, for notices that are re-mailed.
Last day for Plaintiffs to file motion and supporting documents for final approval of class action settlement	16 court days before final approval hearing
Last day for Class Counsel to file application for an award of attorneys' fees, costs, and a class representative enhancement award	16 court days before final approval hearing
Final approval hearing	<u>3/22/2022 at 10:30 AM</u> , <u>20</u>

14. The Court reserves the right to adjourn or continue the date of the Final Fairness and Approval Hearing and all dates provided for in the Agreement, without further notice to the Settlement Class, and retains jurisdiction to consider all further applications arising out of or connected with the Agreement.

15. If, for any reason, the Agreement is not finally approved or does not become effective, this Order Granting Preliminary Approval shall be deemed vacated and shall have no force or effect whatsoever, and the Action shall proceed as if no settlement has been attempted.

IT IS SO ORDERED.

Dated: 12/07/2021



Carolyn B. Kuhl / Judge

Hon. Carolyn B. Kuhl
Judge of the Superior Court