

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Plaintiff Vernell Battle, Jr.
2. Title of the proposed order:
Proposed Order Granting Preliminary Approval of Class and PAGA Action Settlement
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Motion
 - b. Date and time: October 13, 2022, 2:00 p.m.
 - c. Place: CX 102
4. The proposed order was served on the other parties in the case.


(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:
VERNELL BATTLE, JR. v. SAFRAN CABIN, INC.

CASE NUMBER:
30-2020-01140831

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action**.

a. My residence or business address is (*specify*):

b. My electronic service address is (*specify*):

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

b. To (*electronic service address of person served*):

c. On (*date*):

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

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SUPERIOR COURT OF CALIFORNIA

FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER

VERNELL BATTLE, JR., on behalf of himself
and other similarly-situated employees,

Plaintiff,

vs.

SAFRAN CABIN, INC., a Delaware
Corporation; and DOES 1 through 25, inclusive,

Defendants.

CASE NO. 30-2020-01140831-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Peter J. Wilson
Department CX 102

CLASS ACTION

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

Hearing Information

Date: October 13, 2022

Time: 2:00 p.m.

Dept: CX 102

Judge: Hon. Peter J. Wilson

Complaint filed: May 26, 2020

Trial date: Not set

Plaintiff's Motion for Order Granting Preliminary Approval of Class Action Settlement ("Motion") came on for hearing on September 22, 2022 in Department CX-102 of the above-captioned Court. The Court, having fully reviewed the Motion, supporting Memorandum of Points and Authorities, Declarations of Isam C. Khoury of Cohelan Khoury & Singer and Emil Davtyan of Davtyan Law Firm, Inc., Joint Stipulation of Class Action and PAGA Settlement and Release, ("Agreement"), proposed Notice of Class Action Settlement ("Settlement Notice") attached as exhibit 1 to the Agreement, having carefully analyzed the Agreement and Settlement Notice, and in recognition of the Court's duty to make a preliminary determination as to the reasonableness of any proposed class action settlement, and if preliminarily determined to be reasonable, to ensure proper notice is provided to all Class Members in accordance with due process requirements, and to set a Final Approval Hearing to consider the good faith, fairness, adequacy and reasonableness of any proposed Settlement, THE COURT MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

1. The Court conditionally finds, for the purpose of approving this settlement only, the proposed Class meets the requirements of California Code of Civil Procedure section 382: (a) the proposed Class is ascertainable and so numerous joinder of all Class Members is impracticable; (b) there are questions of law or fact common to the proposed Class, and a well-defined community of interest in the subject matter of the class action among Class Members; (c) the claims of the Class Representative are typical of the claims of proposed Class Members; (d) the Class Representative has and will adequately protect the interests of the Class Members; (e) a class action is superior to other available methods for efficient adjudication of this controversy in the settlement context; and (f) counsel of record for the Class Representative are qualified to serve as counsel for the Class.

2. The Court finds on a preliminary basis that the Agreement, attached to the Declaration of Isam C. Khoury as Exhibit A, incorporated by this reference in full, and made a part of this Order of preliminary approval, appears to be within the range of reasonableness of a settlement which could ultimately be given final approval by this Court.

3. It appears to the Court on a preliminary basis that: (a) the settlement amount is fair and reasonable to Class Members when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues, and potential appeals; (b) significant investigation,

research, and discovery have been conducted and counsel for the Parties are able to reasonably evaluate their respective positions; (c) settlement will avoid substantial costs, delay and risks presented by further prosecution of the Action; and (d) the proposed Settlement is the result of intensive, serious and non-collusive negotiations between the Parties and facilitated by an experienced mediator.

4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary Approval of Class Action Settlement is GRANTED, and as a part of preliminary approval, the Court accepts and incorporates the Agreement in this Order and orders the Class be conditionally certified for settlement purposes only pursuant to the terms and conditions of the Agreement.

5. The Class is defined for purposes of the settlement of this Action, as: "All individuals employed by Defendant Safran Cabin, Inc in the State of California as hourly non-exempt employees at any time from May 26, 2016, through January 29, 2022."

6. The Court finds the proposed Settlement Notice fairly and adequately advises Class Members of (a) the pendency of the Class Action; (b) the conditional certification of the Class for settlement purposes only; (c) preliminary Court approval of the proposed Settlement; (d) the date of the Final Approval Hearing; (e) the terms of the proposed Settlement and benefits available to Class Members; (f) their right to receive a proportionate share of the Net Settlement Amount without the need to return a claim form; (g) their right to request exclusion from the settlement and the procedures and deadline for doing so; (h) their right to object to, or file documents in opposition to the Settlement, and the procedure for doing so; and (i) their right to appear at the Final Approval hearing. The Court further finds that the Settlement Notice clearly comports with all constitutional requirements, including those of due process. Accordingly, good cause appearing, the Court APPROVES the Settlement Notice.

7. The Court further finds mailing of the Settlement Notice to the last known address of Class Members as described in the Agreement, with the measures taken for verification of addresses and skip tracing set forth, is an effective method of notifying Class Members of their rights with respect to the class action and Settlement. Accordingly, it is ORDERED:

A. Simpluris, Inc. be appointed the Settlement Administrator to administer the Settlement as more specifically set forth in the Agreement.

B. The law firms Cohelan Khoury & Singer and Davtyan Law Firm, Inc be appointed

as Class Counsel.

C. Plaintiff Vernell Battle, Jr. be appointed Class Representative.

D. Within fourteen (14) calendar days after entry of a Preliminary Approval Order, Defendant shall transmit to the Settlement Administrator in a readable, ready to use electronic excel format spreadsheet, the Class Information showing for each member of the Class the following information: (i) full name; (ii) last known address; (iii) Social Security number; and (iv) the number of weeks worked for Defendant as a Class Member (using actual data where available and estimates or extrapolations where the data is not readily available, as further explained and set forth in the definition of “Workweeks” in the Agreement).

E. Within fifteen (15) calendar days after receipt of the Class Information, the Settlement Administrator shall mail to each Class Member a Settlement Notice by first class, regular U.S. mail, using the most current mailing address information available, with measures taken for updating an address as provided by the terms of the Agreement.

F. On or before the Response Deadline [forty-five (45) calendar days from the initial mailing of the Settlement Notices by the Settlement Administrator unless the 45th day falls on a Sunday or Federal holiday, in which case the Response Deadline will be extended to the next day (“Response Deadline”)], Class Members who wish to exclude themselves from the Class must submit to the Settlement Administrator, either by e-mail, facsimile or mail, a written request for exclusion by the Response Deadline as set forth in the Settlement Notice. Class Members who are sent a re-mailed Settlement Notice shall have their Response Deadline extended by ten (10) calendar days from the date the Settlement Administrator re-mails the Settlement Notice.

G. On or before the Response Deadline, Class Members who dispute the number of Workweeks must submit to the Settlement Administrator, either by e-mail, facsimile or mail, a written explanation describing why the Workweeks are incorrect, with any supporting information, as set forth in the Settlement Notice. Class Members who are sent a re-mailed Settlement Notice shall have their Response Deadline extended by ten (10) calendar days from the date the Settlement Administrator re-mails the Settlement Notice.

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H. On or before the Response Deadline, Class Members who wish to object to the Settlement, should submit to the Settlement Administrator, either by e-mail, facsimile or mail, a Notice of Objection which must include, (a) the objector's full name, signature, address, telephone number, and the last four digits of his/her Social Security number; and (b) a factual explanation for the objection. Class Members who are sent a re-mailed Settlement Notice shall have their Response Deadline extended by ten (10) calendar days from the date the Settlement Administrator re-mails the Settlement Notice.

8. IT IS FURTHER ORDERED the Final Approval Hearing shall be held before the undersigned at ____ p.m. on _____, 2022, in Department CX-102 of the Superior Court for the State of California, County of Orange located in at 751 West Santa Ana Blvd., Santa Ana, California 92701, to consider the fairness, adequacy and reasonableness of the proposed Settlement preliminarily approved by this Order of Preliminary Approval, and to consider applications for a Service Payment award to the Plaintiff/Class Representative, Settlement Administration expenses, and Class Counsel's attorneys' fees and costs. All briefs and materials in support of an Order Granting Final Approval and Entering Judgment, Service Payment, Settlement Administration Payment, and Class Counsel's attorneys' fees and costs shall be filed sixteen (16) court days before the scheduled hearing.

9. All proceedings in this matter, except those contemplated by the Agreement or this Order, are stayed.

10. The Court expressly reserves the right to adjourn or continue the Final Approval Hearing from time to time without further notice to Class Members. Class Counsel is to provide notice of any change in the hearing date to Class Members who have filed written objections.

IT IS SO ORDERED.

Date: _____
Hon. Peter J. Wilson
Judge of the Superior Court