

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 151519 NAME: Jeff Geraci FIRM NAME: COHELAN KHOURY & SINGER STREET ADDRESS: 605 C Street, Suite 200 CITY: San Diego STATE: CA ZIP CODE: 92101 TELEPHONE NO.: 619-595-3001 FAX NO.: 619-595-3000 E-MAIL ADDRESS: jgeraci@ckslaw.com ATTORNEY FOR (name): Plaintiffs Beniyam Kebede, Alain Tsai, and Monica I. Pazmino	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 North First Street MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San Jose, 95113 BRANCH NAME: Downtown Superior Courthouse	
PLAINTIFF/PETITIONER: BENIYAM KEBEDE, et al. DEFENDANT/RESPONDENT: WRIKE, INC., et al. OTHER:	CASE NUMBER: 20CV366599 JUDICIAL OFFICER: Patricia M. Lucas
PROPOSED ORDER (COVER SHEET)	DEPT: 3

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:
Plaintiffs Beniyam Kebede, Alain Tsai, and Monica I. Pazmino
2. Title of the proposed order:
Proposed Order Granting Preliminary Approval of Class Action Settlement
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Motion for Preliminary Approval of Class Action Settlement
 - b. Date and time: December 1, 2021; 1:30 p.m.
 - c. Place: Department 3
4. The proposed order was served on the other parties in the case.

Jeff Geraci / October 26, 2021

(TYPE OR PRINT NAME)


 SIGNATURE OF PARTY OR ATTORNEY

CASE NAME:
KEBEDE, et al. v. WRIKE, INC., et al.

CASE NUMBER:
20CV366599

**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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Attorneys for Plaintiffs BENIYAM KEBEDE, ALAIN TSAI,
and MONICA I. PAZMINO, individually and on behalf of
all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

BENIYAM KEBEDE, ALAIN TSAI, and
MONICA I. PAZMINO, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

WRIKE, INC.; and DOES 1 through 25,
inclusive

Defendants.

Case No. 20CV366599

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Patricia M. Lucas
Department 3

CLASS ACTION

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

Date: December 1, 2021

Time: 1:30 p.m.

Dept: 3

Judge: Hon. Patricia M. Lucas

Complaint filed: May 13, 2020

Trial date: Not set

1 This matter came on for hearing on December 1, 2021 in Department 3 of the above-
2 captioned Court on Plaintiffs' Motion for Order Granting Preliminary Approval of Class Action
3 Settlement ("Motion"). Having fully reviewed the Motion, supporting memorandum of Points
4 and Authorities, Declarations of Class Counsel Jeff Geraci and Jonathan M. Lebe, the Joint
5 Stipulation of Settlement and Release of Class Action ("Settlement Agreement") attached as
6 Exhibit 1 to the Geraci Declaration, and the proposed Notice of Class Action Settlement
7 attached as Exhibit A to the Settlement Agreement ("Class Notice"), having carefully analyzed
8 the Settlement Agreement and the Class Notice, and in recognition of the Court's duty to make
9 a preliminary determination as to the reasonableness of any proposed class action settlement,
10 and if preliminarily determined reasonable, to ensure proper notice is provided to Class
11 Members in accordance with due process requirements, and to set a Final Approval Hearing to
12 consider the good faith, fairness, adequacy and reasonableness of the proposed Settlement, THE
13 COURT MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

14 1. The Court conditionally finds, for purposes of approving the settlement only,
15 the proposed Class meets the requirements for certification under section 382 of the California
16 Code of Civil Procedure: (a) the proposed Class is ascertainable and so numerous joinder of all
17 Class members is impracticable; (b) there are questions of law or fact common to the proposed
18 Class, and a well-defined community of interest among members of the proposed Class with
19 respect to the subject matter of the class action; (c) the claims of the Class Representatives are
20 typical of the claims of the members of the proposed Class; (d) the Class Representatives have
21 and will fairly and adequately protect the interests of the Members of the Class; (e) a class
22 action is superior to other available methods for efficient adjudication of this controversy for
23 settlement; and (f) counsel of record for the Plaintiffs/Class Representatives are qualified to
24 serve as counsel for them in their representative capacity and for the Class.

25 2. The Court finds on a preliminary basis the Settlement Agreement appears to be
26 within the range of reasonableness of a settlement which could ultimately be given final
27 approval by this Court.

28 ///

1 3. It appears to the Court on a preliminary basis: (a) the non-reversionary maximum
2 Gross Settlement Amount is fair and reasonable to Class Members when balanced against the
3 probable outcome of further litigation relating to class certification, liability and damages
4 issues, and potential appeals; (b) significant investigation, research, and informal discovery,
5 have been conducted such that counsel for the Parties are able to reasonably evaluate their
6 respective positions; (c) settlement at this time will avoid substantial costs, delay, and risks
7 presented by further prosecution of the litigation; and (d) the proposed Settlement was reached
8 through intensive, serious, non-collusive negotiations facilitated by an experienced mediator.

9 4. Good cause appearing, the Motion for Order Granting Preliminary Approval of
10 Class Action Settlement is GRANTED, and the Court incorporates the Settlement Agreement.

11 5. For purposes of this Settlement, Class Members are defined as:

12 All current and former commissioned employees who worked for
13 Defendant within the State of California during the Class Period of April
14 6, 2016 to March 31, 2021.

15 6. The Court finds the proposed Class Notice, attached to this Order as Exhibit 1,
16 fairly and adequately advises Class Members of (a) the nature of the Class Action; (b) the
17 Settlement's principal terms; (c) the Class definition; (d) number of workweeks credited; (e)
18 each Class Member's estimated Individual Settlement Share; (f) the dates of the Class Period;
19 (g) how to submit Requests for Exclusion or Objections; (h) deadlines for Class Members to
20 postmark Requests for Exclusion or submit Objections to the Settlement; (i) the claims released
21 in the Settlement Agreement; and (j) the date, time and place of the Final Approval Hearing.

22 7. The Court finds the proposed Class Notice provides the best practicable notice to
23 the Class and comports with all constitutional requirements, including those of due process.
24 Accordingly, good cause appearing, the Court APPROVES the Class Notice.

25 8. The Court further finds that mailing of the Class Notice to the last known
26 address of all Class Members with measures taken for verification of an address and skip
27 tracing of bad addresses, as specifically described within the Settlement Agreement, is an
28 effective method of notifying Class Members of their rights in the class action and the
Settlement. Accordingly, it is ORDERED:

1 A. Simpluris, Inc. be appointed the Settlement Administrator to administer
2 the Settlement of this matter as more specifically stated in the Settlement Agreement;

3 B. Michael D. Singer and Jeff Geraci of Cohelan Khoury & Singer, and
4 Jonathan M. Lebe and Zachary Gershman of Lebe Law, APLC, be appointed Class Counsel;

5 C. Plaintiffs Beniyam Kebede, Alain Tsai, and Monica I. Pazmino be
6 appointed Class Representatives;

7 D. On or before January 3, 2022, [thirty (30) calendar days after the date the
8 Court grants preliminary approval of the Settlement Agreement (if a weekend or holiday, the
9 next business day)], Defendant shall provide the Settlement Administrator the following in a
10 Microsoft Office Excel format: (i) full name; (ii) last known address; (iii) Social Security
11 number and Employee ID number; and (iv) relevant dates of employment, of each Class
12 Member (“Class Data”);

13 E. On or before January 18, 2022, [fourteen (14) calendar days after the date
14 the Court grants preliminary approval of the Settlement Agreement (if a weekend or holiday,
15 the next business day)], the Settlement Administrator shall mail the Class Notice to each Class
16 member by first class, regular U.S. mail, to the most current mailing address available, after
17 taking the measures for updating addresses in the Settlement Agreement. The mailing
18 envelope’s exterior shall include the following language below the Administrator’s address:

19 **Important Legal Document:**

20 You may get Money from a
21 Class Action Settlement; your prompt reply
22 to correct a bad address is required.

23 F. On or before March 4, 2022 [forty-five (45) calendar days from the date
24 the Settlement Administrator first mails the Class Notice to Class Members (if the 45th day falls
25 on a Sunday or holiday, the next business day not a Sunday or holiday)], (“Response
26 Deadline”), Class Members who wish to exclude themselves from the Class must submit a
27 written request for exclusion in the manner stated in the Class Notice. The Response Deadline
28 shall be extended fifteen (15) calendar days from the original Deadline for Class Members
receiving a re-mailed Class Notice. Class Members who fail to submit a valid, timely written

1 Request for Exclusion on or before the Deadline shall be Settlement Class Members, bound by
2 all Settlement terms and any final judgment entered in this Action, if the Settlement is approved
3 by the Court.

4 G. On or before March 4, 2022, any Class Member who wants to object to
5 the proposed Settlement, including the request for attorneys' fees, expenses, or service awards
6 to Class Representatives, may send a written notice of objection in the manner stated in the
7 Class Notice. The Response Deadline for Class Members who received a re-mailed Class
8 Notice shall be extended fifteen (15) calendar days from the original Deadline;

9 H. On or before March 4, 2022, Class Members who want to dispute the
10 basis of their Settlement Payment must postmark and return to the Administrator a written
11 explanation why they believe the information is incorrect, along with any supporting documents
12 as described in the Class Notice. The Response Deadline for Class Members who received a re-
13 mailed Class Notice shall be extended fifteen (15) calendar days from the original Deadline.

14 9. IT IS FURTHER ORDERED that the Final Approval Hearing shall be held
15 before the undersigned at 1:30 p.m. on April 27, 2022 in Department 3 of the Superior Court of
16 California, County of Santa Clara located at 191 North First Street, San Jose, California 95113,
17 to consider the fairness, adequacy, and reasonableness of the proposed Settlement preliminarily
18 approved by this Order of Preliminary Approval, and to consider the application for Class
19 Representative service awards, Settlement Administrator expenses, and Class Counsel's
20 attorneys' fees and litigation expenses.

21 10. All materials in support of an Order Granting Final Approval, service awards to
22 Class Representatives, Settlement Administrator expenses, and Class Counsel's attorneys' fees
23 and litigation expenses incurred shall be filed pursuant to Code of Civil Procedure section
24 1005(b), on or before April 5, 2022, sixteen (16) Court days before the hearing.

25 11. IT IS FURTHER ORDERED that if for any reason the Court does not enter an
26 Order Granting Final Approval, or if the Effective Date, as defined in the Settlement
27 Agreement, does not occur, the Settlement Agreement shall have no effect, and the Parties shall
28 be restored without prejudice to the status quo ante as stated in the Settlement Agreement.

1 12. IT IS FURTHER ORDERED that pending further order of this Court, all
2 proceedings in this matter, except those contemplated by this Order and the Settlement
3 Agreement are stayed.

4 13. The Court expressly reserves the right to adjourn or continue the Final Approval
5 Hearing from time to time without further notice to Class Members. However, if written
6 objections are submitted, Class Counsel shall notify objecting Class Members of the new date
7 and time set for the Final Approval Hearing.

8 IT IS SO ORDERED.

9
10 Date: _____

The Honorable Patricia M. Lucas
Judge of the Superior Court