

James R. Hawkins, Esq. SBN 192925
Isandra Fernandez, Esq. SBN 220482
JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, CA 92618
TEL: (949) 387-7200
FAX: (949) 387-6676

Attorneys for Plaintiff, BOBBY RAY MCCOY
on behalf of himself and all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

BOBBY RAY MCCOY on behalf of herself and
all others similarly situated

Plaintiff,

vs.

JO-ANN STORES, LLC, and DOES 1 through
50, inclusive,

Defendants.

Case No. RG20061158
ASSIGNED FOR ALL PURPOSES TO:
JUDGE: Hon. Brad Seligman
DEPT.: 23

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

Reservation Number R-2273646

WHEREAS, this action is pending before this Court as a putative class action (the
“Action”); and

WHEREAS, Plaintiff, through an unopposed motion for preliminary approval, has
applied to this Court for an order preliminarily approving the settlement of the Action in
accordance with the Joint Stipulation of Class Action and PAGA Settlement Agreement
(hereinafter “Settlement Agreement”), and any exhibit annexed thereto, which sets forth the
terms and conditions for a proposed settlement and final resolution of the Action upon the terms

1 and conditions set forth therein; and the Court having read and considered the Settlement
2 Agreement and the exhibit annexed thereto;

3 NOW, THEREFORE, IT IS HEREBY ORDERED:

4 1. This Order incorporates by reference the definitions in the final version of the
5 Settlement Agreement which has been filed with the Court and all terms defined therein shall
6 have the same meaning in this Order as set forth in the Settlement Agreement;

7 2. The Court hereby conditionally certifies the Class for settlement purposes only.
8 For the purposes of this settlement, the Class is defined as: all current and former non-exempt,
9 hourly paid employees of Defendant who occupied the positions of key holders, assistant
10 managers, store managers, and freight supervisors at any time in the State of California from May
11 11, 2016 through the date of the Court's order granting preliminary approval of the Agreement
12 (Class Members). Should for whatever reason the Settlement not become final, the fact that the
13 Parties were willing to stipulate to class certification as part of the Settlement shall have no
14 bearing on, nor be admissible in connection with, the issue of whether a class should be certified
15 in a non-settlement context;

16 3. The Court hereby authorizes the retention of Simpluris as Settlement
17 Administrator for the purpose of this Settlement;

18 4. The Court hereby conditionally finds that James R. Hawkins and Isandra
19 Fernandez of the law firm of James Hawkins, APLC may act as counsel for the Class. The Court
20 further conditionally finds that Plaintiff Bobby Ray McCoy may act as the class representative
21 for the Class;

22 5. The Court hereby preliminarily APPROVES the proposed Notice of Proposed
23 Class Action and PAGA Settlement (attached as Exhibit A, referred to as "Notice".) The Court
24 further finds that the Class Notice appears to fully and accurately inform the Class Members of
25 all material elements of the proposed Settlement Agreement, of the Class Members' right to be
26 excluded from the Class, and of each Class Member's right and opportunity to object to the
27 Settlement. The Class Notice shall be mailed to the Class Members as set forth in the
28 Settlement Agreement;

6. The Court finds on a preliminary basis that the Settlement Agreement appears to be within the range of reasonableness of a settlement that could ultimately be given final approval by this Court. It appears to the Court on a preliminary basis that the settlement amount is fair, adequate and reasonable as to all potential Class Members when balanced against the probable outcome of further litigation relating to liability and damages issues. It further appears that investigation and research have been conducted such that counsel for the Parties, at this time, are able to reasonably evaluate their respective positions. It further appears to the Court that settlement at this time will avoid substantial additional costs by all Parties, as well as avoid the delay and risks that would be presented by the further prosecution of the Action. It further appears that the Settlement has been reached as the result of serious and non-collusive, arms-length negotiations;

7. The Court orders the following implementation schedule for further proceedings:

Preliminary approval order.	
Deadline for Defendants to provide the Class List to the Settlement Administrator.	_____ (within twenty (20) days after Court Grants Preliminary Approval).
Mail notices to Settlement Class Members.	_____ (within fourteen (14) days after Settlement Administrator Receives Class List from Defendant).
Deadline for postmark by registered mail of any Request for Exclusion.	_____ (forty five (45) days after Settlement Administrator first mails Notice of Class Settlement to Settlement Class Members).
Deadline for receipt by the Settlement Administrator of any objections to the Settlement.	_____ (forty five (45) days after Settlement Administrator first mails Notice of Class Settlement to Settlement Class Members).

1	Deadline for Class Counsel to file Motion	_____ 2021
2	for Final Approval of Settlement.	
3	Final Fairness and Final Approval Hearing.	_____ 2021 at

4

5 **IT IS SO ORDERED.**

6 **Dated:** _____

7 _____
 8 Hon. Brad Seligman
 9 Judge of the Alameda County Superior Court