

JAMES HAWKINS APLC
James R. Hawkins, Esq. (#192925)
Gregory Mauro, Esq. (#222239)
Michael Calvo, Esq. (#314986)
9880 Research Drive, Suite 200
Irvine, CA 92618
Tel.: (949) 387-7200
Fax: (949) 387-6676
Email: James@jameshawkinsaplc.com
Email: Greg@jameshawkinsaplc.com
Email: Michael@jameshawkinsaplc.com

Attorneys for Plaintiff ABDUL RASHID DESAI,
On behalf of the general public as private attorney general

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ABDUL RASHID DESAI, On behalf of the
general public as private attorney general,

Plaintiff,

v.

CYPRESS PRIVATE SECURITY, LP a
California Limited Partnership, and DOES 1-
50, inclusive,

Defendants.

Case No. 20STCV26087
ASSIGNED FOR ALL PURPOSES TO:
JUDGE: Hon. Lia Martin
DEPT: 16

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

Date: June 15, 2023
Time: 9:00 a.m.
Dept.: 16

ORDER

This matter came on for hearing June 15, 2023 at 9:00 a.m. in Department 16 of the above-captioned court on the Motion for Preliminary Approval of Class Action Settlement, upon the terms and conditions set forth in the Class Action and PAGA Settlement Agreement and Class Notice (hereinafter “Settlement Agreement”).

The Court, having fully reviewed the Motion for Preliminary Approval of Class Action Settlement, the Memorandum of Points and Authorities and Declarations filed in support thereof, the Settlement Agreement, including the proposed Class 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 Settlement Class Members in accordance with due process requirements, and to set a Final Approval Hearing to consider the proposed Settlement Agreement as to the good faith, fairness, adequacy and reasonableness of any proposed settlement, and having heard the argument of Counsel for the respective parties, the Court **HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:**

It appears to the Court on a preliminary basis that the Gross Settlement Amount (“GSA”) is fair and reasonable to the Class Members when balanced against the probable outcome of further litigation relating to class certification, the liability and damages issues involved, and the potential for appeals. It further appears that sufficient investigation, research, and litigation has been conducted such that counsel for the Parties at this time is able to reasonably evaluate their respective positions. It further appears that the Settlement at this time will avoid substantial costs, delay and risks that would be presented by the further prosecution of the litigation. It further appears that the proposed Settlement has been reached as the result of intensive, serious and non-collusive negotiations between the Parties. **ACCORDINGLY, GOOD CAUSE APPEARING, THE MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT IS HEREBY GRANTED, AND AS A PART OF SAID PRELIMINARY APPROVAL, THE COURT HEREBY ORDERS THAT THE SETTLEMENT CLASS BE CONDITIONALLY CERTIFIED FOR SETTLEMENT PURPOSES ONLY, AND THAT JAMES HAWKINS, APLC BE**

1 CONDITIONALLY AND PRELIMINARILY APPOINTED CLASS COUNSEL. MORE
2 SPECIFICALLY, THE COURT FINDS AS FOLLOWS:

3 This Order incorporates by reference all definitions in the Parties' Settlement Agreement in
4 the action entitled *Abdul Rashid Desai v. Cypress Private Security, LP*, Case No. 20STCV26087
5 (the "Lawsuit") and all terms used herein shall have the same meanings as set forth in the Settlement
6 Agreement.

7 The Court preliminarily approves the Settlement as set forth in the Settlement Agreement on
8 the basis that the Settlement between Plaintiff and Defendant appear to be within the range of
9 reasonableness of a settlement which could ultimately be given final approval by this Court. The
10 Court preliminarily finds that the terms of the Settlement are fair, reasonable, and adequate, pursuant
11 to Section 382 of the California Code of Civil Procedure.

12 The Court notes that Defendant has agreed to a non-reversionary GSA of \$430,000.00. The
13 GSA includes without limitation any and all payments Defendant may be responsible for under the
14 Settlement, including any Class Counsel Fees Payment and Class Counsel Litigation Expenses
15 Payment to Class Counsel, Class Representative Service Payment, the Individual Class Payments,
16 the PAGA Penalties (which includes payment to the LWDA), and Administrator Expenses Payment,
17 all payroll taxes due and owing as a result of the Settlement. The employer payroll taxes shall be
18 paid separate and apart from the GSA by Defendant.

19 The Court finds the requirements of Code of Civil Procedure 382 are satisfied for purposes
20 of settlement and conditionally certifies the Settlement Class for settlement purposes, with Plaintiff
21 acting as the Class Representative.

22 The Court hereby appoints, for settlement purposes, Plaintiff ABDUL RASHID DESAI as
23 the Class Representative and finds Plaintiff is an adequate representative for the Settlement Class
24 for settlement purposes. The Court further finds that James Hawkins APLC has preliminarily
25 established adequacy to be appointed as Class Counsel and appoints them as Class Counsel.

26 The Class as identified in the Settlement Agreement is provisionally certified by this Order.

27 The Court finds that the proposed manner of class notice is adequate.

28 The Court approves Apex Settlement Administration, to serve as the Settlement

1 Administrator.

2 The Court further hereby approves, as to form and content, the proposed Notice of Class
3 Action Settlement and Orders the notice to be mailed to the Settlement Class.

4 The Court finds that the Notice of Class Action Settlement constitutes the best notice
5 practicable under the circumstances, is in full compliance with the laws of the State of California
6 and, to the extent applicable, the United States Constitution and the requirements of due process.
7 The Court further finds that the Class Notice fully and accurately informs Settlement Class Members
8 of all material elements of the proposed Settlement, of each Settlement Class Member's right to be
9 excluded from the Settlement Class, and each Settlement Class Member's right and opportunity to
10 object to the proposed Settlement. The Notice of Class Action Settlement adequately advises the
11 Class about: the Class Action; the terms of the proposed Settlement and the benefits available to
12 each Settlement Class Member; each Settlement Class Member's right to participate, submit an
13 exclusion/Opt-Out, or Objection to the proposed Settlement, and the timing and procedures for
14 doing so; the temporary and conditional certification of the Settlement Class for settlement purposes
15 only; preliminary Court approval of the proposed Settlement; timing and procedures for distributing
16 the Gross Settlement and the Individual Settlement Payments to the Participating Class Members;
17 and the date of the Final Approval Hearing as well as the rights of the Settlement Class to file
18 documentation in support of or in opposition to and appear in connection with said hearing.

19 ACCORDINGLY, GOOD CAUSE APPEARING, THE COURT HEREBY APPROVES
20 THE PROPOSED CLASS NOTICE PACKET TO THE CLASS AND FINDS that mailing to the
21 last known address of the Settlement Class, as specifically described within the Settlement
22 Agreement, constitutes an effective method of notifying Settlement Class Members of their rights
23 with respect to the proposed Settlement. ACCORDINGLY, IT IS HEREBY ORDERED that:

24 Within twenty (20) calendar days from the date of entry of this order, Defendant shall
25 provide the Settlement Administrator with the lass Data. Employee List for purposes of mailing
26 the Class Notice.

27 IT IS FURTHER ORDERED that within 14 business days of receipt of the Class Data, the
28 Settlement Administrator will mail copies of the Class Notice via regular First-Class U.S. Mail and

1 follow the procedures set forth in the Settlement Agreement.

2 IT IS FURTHER ORDERED that not later than 7 business days after the Administrator's
3 receipt of any Class Notice returned by the USPS as undelivered, the Administrator shall re-mail the
4 Class Notice using any forwarding address provided by the USPS. If the USPS does not provide a
5 forwarding address, the Administrator shall conduct a Class Member Address Search, and re-mail the
6 Class Notice to the most current address obtained.

7 IT IS FURTHER ORDERED that individuals who fall within the definition of the
8 Settlement Class may choose to dispute, object or exclude themselves as Settlement Class
9 Members. Settlement Class individuals who wish to exclude themselves from the Settlement
10 Class must submit a signed, written statement requesting exclusion from the Settlement Class no
11 later than sixty (60) days after the Class Notice is first mailed.

12 IT IS FURTHER ORDERED The deadlines for Class Members' written objections,
13 Challenges to Workweeks and/or Pay Periods, and Requests for Exclusion will be extended an
14 additional 14 days beyond the 60 days otherwise provided in the Class Notice for all Class Members
15 whose notice is re-mailed.

16 IT IS FURTHER ORDERED a Request for Exclusion is a letter from a Class Member or
17 his/her representative that reasonably communicates the Class Member's election to be excluded from
18 the Settlement and includes the Class Member's name, address, last four digits of their Social Security
19 Number or Employee ID Number, and email address or telephone number. To be valid, a Request for
20 Exclusion must be timely faxed, emailed, or postmarked by the Response Deadline

21 IT IS FURTHER ORDERED that Participating Class Members may send written
22 objections to the Administrator, by fax, email, or mail. In the alternative, Participating Class Members
23 may appear in Court (or hire an attorney to appear in Court) to present verbal objections at the Final
24 Approval Hearing. A Participating Class Member who elects to send a written objection to the
25 Administrator must do so not later

26 IT IS FURTHER ORDERED that a Final Approval hearing shall be held on October 19,
27 2023 at 09:00 a.m.. At the Final Approval hearing, the Court will determine whether the Settlement
28 should be finally approved as fair, reasonable and adequate, and whether the terms of this

1 Preliminary Approval Order and any other applicable legal prerequisites to Judgment are satisfied.
2 The Court will also determine the amount properly payable for attorneys' fees, costs, administration
3 costs and enhancement payment to the Class Representative, and the PAGA Penalties.

4 IT IS FURTHER ORDERED that all briefs and materials in support of an Order Granting
5 Final Approval and application for attorneys' fees and costs and class representative enhancement
6 shall be filed with this Court no later than sixteen (16) court days before the date set for the Final
7 Approval Hearing.

8 IT IS FURTHER ORDERED that, if for any reason the Court does not execute and file an
9 Order Granting Final Approval and Judgment, or if the Effective Date does not occur for any reason
10 whatsoever, the Settlement Agreement and the proposed Settlement which is the subject of this
11 Order and all evidence and proceedings had in connection therewith shall be without prejudice to
12 the status quo ante rights of the Parties to the litigation as more specifically set forth in the Settlement
13 Agreement.

14 IT IS FURTHER ORDERED that, pending further order of this Court, all proceedings in
15 this matter except those contemplated herein and in the Settlement Agreement are stayed.

16 The Court expressly reserves the right to adjourn or continue the Final Fairness Approval
17 Hearing from time to time without further notice to the Class.

18 **IT IS SO ORDERED.**

19
20 Dated: _____, 2023

Honorable Lia Martin

JUDGE OF THE SUPERIOR COURT

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