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7 **SUPERIOR COURT OF STATE OF CALIFORNIA**
8 **FOR THE COUNTY ORANGE-CIVIL COMPLEX CENTER**

9 KATHERYN ENRIQUEZ, as individuals and
10 on behalf of other similarly situated employees,

11 Plaintiff,

12 vs.

13 VINTAGE REAL ESTATE GROUP, INC., a
14 California corporation, and DOES 1-50,
inclusive,

15 Defendants
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CASE NO.:30-2021-01204252-CU-OE-CXC

Assigned for all purposes to:
Hon. Peter Wilson
Dept. CX 101

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

Date: May 4, 2023
Time: 2:00 p.m.
Place: Department CX 101

Case filed: August 28, 2020
Trial date: TBD

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

1 THIS MATTER has been brought before the Court on behalf of Plaintiff Katheryn
2 Enriquez (referred to herein as “Plaintiff”), through her attorneys, pursuant to California Rule of
3 Court 3.769 and other applicable rules and laws, to request an order granting preliminary
4 approval of a class action settlement and directing the dissemination of notice to the class (the
5 “Order”); the Court has reviewed the Plaintiff’s submissions, having held a hearing on
6 November 17, 2022, and having found that Plaintiff is entitled to the relief sought, and for good
7 cause shown:

8 IT IS HEREBY ORDERED that Plaintiff’s motion is GRANTED, and it is further
9 ORDERED as follows:

10 1. This proposed fully executed Stipulation of Class Action Settlement (“Settlement
11 Agreement” or “Agreement”) regarding Plaintiff’s representative claims, submitted with the
12 motion and filed with the Court, and attached hereto as Exhibit A is preliminarily approved as
13 being within the range of potential final approval. The Amendment to the Settlement Agreement
14 is attached hereto as Exhibit B is preliminarily approved. The Amendment to Settlement
15 Agreement Version Two is attached hereto as Exhibit C is preliminarily approved.

16 2. Based upon the submission to the Court and attachments and exhibits thereto, the
17 Court conditionally makes the following findings solely for settlement purposes only, subject to
18 final approval at the Final Approval Hearing:

- 19 a. The Class Members are numerous;
- 20 b. There are questions of law and fact common to the Class Members, and such
21 questions predominate over any questions affecting only individual Class
22 Members;
- 23 c. Named Plaintiff’s representative wage and hours claims and the defenses
24 thereto are typical of the claims of the Class Members and the defenses
25 thereto;
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- 1 d. Named Plaintiff's and Class Counsel can protect and have fairly and
2 adequately protected the interest of the Class members in the lawsuit
3 regarding plaintiff's representative wage and hour claims; and
4 e. A class action is superior to all other available methods for fairly and
5 efficiently resolving the representative claims in connection to this lawsuit and
6 provides substantial benefits to the Class Members.

7 3. Accordingly, solely for purposes of this settlement only, the Court preliminarily
8 approves the Named Plaintiff as representative of the Class Members, and conditionally certifies
9 a settlement class defined as follows:
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11 Class: All current and former non-exempt employees who were or are employed by
12 Defendants in California at any time during the class period [November 19, 2016
13 through March 30, 2023] and who have not received reimbursement for personal
14 cellphone usage during the class period.

15 4. Accordingly, solely for purposes of this settlement only, the Aggrieved PAGA
16 group is defined as follows:

17 PAGA Group Members: all Class Members employed by Defendant at any time
18 between March 12, 2020, through October 21, 2022, or preliminary approval,
19 whichever is later.

20 5. This matter is conditionally certified as a class action for settlement purposes only
21 under California Code of Civil Procedure Section 382 and California Rules of Court, Chapter 6,
22 Rules 3.767 *et seq.*, and/or other laws as applicable. If the settlement does not receive final
23 approval, Defendants retain the right to assert that this action may not be certified as a class
24 action for liability purposes.

25 6. Solely for purposes of implementing the Settlement Agreement and for purposes of

26 7. this settlement, the Court preliminarily appoints as Class Counsel Jackson Law, APC.

27 The Court finds that the Settlement Agreement regarding the Plaintiff's representative
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claims falls within the range of possible approval such that it warrants notice thereto and further orders notice of the settlement to be disseminated to the Class Members in the manner set forth herein and in the Settlement Agreement.

8. The Court preliminarily approves the gross settlement of Nine Thousand Dollars (\$9,000). Deducted from this Maximum Settlement Amount will be sums approved by the Court for attorneys' fees (not to exceed \$2,250.00), or 25% of the Maximum Settlement Amount, a Class Representative Service Award to Plaintiff Kathryn Enriquez in the amount of (\$500) for her services, the PAGA Settlement Amount of Two Thousand Five Hundred Dollars and Zero Cents (\$2,500.00) (i.e., a payment of One Thousand Eight Hundred Seventy Five Dollars and Zero Cents (\$1,875.00) to the State of California Labor and Workforce Development Agency for alleged penalties and Six Hundred Twenty Five Dollars and Zero Cents (\$625.00) *pro rata* distribution to PAGA Group Members as their PAGA Payment), and the fees and expenses of the Settlement Administrator, ILYM Group, Inc. (estimated not to exceed \$1,000.00), which will result in a maximum amount payable by Defendant for distribution to Class Members who do not opt out (the "Net Settlement Amount"). Defendant's share of payroll taxes will be paid separately from and in addition to the Gross Settlement Amount.

9. A final hearing (the "Final Approval Hearing") shall be held before this Court on _____, 2023 at 2 p.m. to determine whether: (a) the Court should finally approve the Settlement Agreement and determine that the terms contained therein are fair, reasonable, adequate, and in the best interests of the Class Members, (b) the Court should enter final judgment dismissing with prejudice the operative Complaint in this lawsuit, (c) to approve the application for the Attorneys' Fee Award to Class Counsel and Named Plaintiffs' Incentive Awards in a manner consistent with the Settlement Agreement. The Final Approval Hearing may be postponed, adjourned or continued by further order of this Court, without further notice to the Class Members.

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1 10. At the Final Approval Hearing, the Court will consider and determine whether the
2 Settlement Agreement should be finally approved as fair, adequate and reasonable.

3 11. The Court hereby approves the appointment of ILYM, Group Inc. (“Claims
4 Administrator”) as the Claims Administrator for the purposes of disseminating the Class Notice
5 and Exclusion Form attached to the settlement agreement, attached hereto as Exhibit D which are
6 hereby approved, and for purposes of administering the terms of the settlement as set forth in the
7 Settlement Agreement. The exclusion deadline is 60 calendar days after the initial mailing of the
8 Notice Packet or 15 days after the Settlement Administrator re-mails the Notice to the Class
9 Members, whichever is later. The Claims Administrator shall perform its duties consistent with
10 the provisions contained within the Settlement Agreement.

11 12. Any Class Member may object to the fairness, reasonableness or adequacy of the
12 proposed settlement. To assert a valid and timely objection to the Settlement, a Class Member
13 may file an objection with the Court either in writing or at the time of the hearing and appear at
14 the hearing and object at that time.

15 13. Class Members who wish to submit such a dispute must mail a written dispute to the
16 Settlement Administrator. The dispute must (a) state the Class Member’s name, address,
17 telephone number, and the last four digits of his/her social security or tax identification number;
18 (b) clearly state the Class Member’s dispute; (c) be signed by the Class Member or their lawful
19 representative; and (d) be postmarked no later than sixty (60) calendar days after the Settlement
20 Administrator mails the Notice to the Class. The Settlement Administrator’s decision on all such
21 disputes will be submitted to the Court for final approval and will not be subject to appeal.

22 14. The Court finds that the manner of dissemination and content of the Class Notice
23 specified in detail in the Settlement Agreement (i) is the best notice practicable, (ii) is reasonably
24 calculated, under the circumstances, to apprise Class Members of the pendency of the lawsuit
25 and of their right to object to or to exclude themselves from the proposed settlement, (iii) is
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1 reasonable and constitutes due, adequate and sufficient notice to all persons entitled to receive
2 notice, and (iv) meets all applicable requirements of applicable law.

3 15. Class Counsel shall file and serve papers in support of final approval of the
4 Settlement no later than sixteen (16) court days in advance of the Final Approval Hearing.

5 16. The Claims Administrator is hereby ordered no later than twenty-one (21) calendar
6 days before the Final Approval Hearing to file an affidavit attesting completeness and accuracy
7 of the proof of mailing of the Class Notice, Claim Form and Exclusion Form to the Class
8 Members.

9
10 Dated:

JUDGE OF THE SUPERIOR COURT

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12 By: _____
13 The Honorable Judge Peter Wilson
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