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Attorneys for Plaintiff Katheryn Enriquez,
individually, and on behalf of all other similarly situated employees

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

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

Plaintiff,

vs.

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

Defendants

CASE NO.:30-2020-01157744-CU-OE-CXC

Assigned for all purposes to:
Hon. Peter Wilson
Dept. CX 102

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S² MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: November 17, 2022
Time: 2:00 p.m.
Place: Department CX 102

Case filed: August 28, 2020
Trial date: TBD

**[PROPOSED] ORDER ~~GRANTING PLAINTIFFS~~ GRANTING PLAINTIFF'S²
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

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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.
14

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

- 18 a. The Class Members are numerous;
- 19 b. There are questions of law and fact common to the Class Members, and such
20 questions predominate over any questions affecting only individual Class
21 Members;
- 22 c. Named Plaintiff’s representative wage and hours claims and the defenses
23 thereto are typical of the claims of the Class Members and the defenses
24 thereto;
- 25 d. Named Plaintiff’s and Class Counsel can protect and have fairly and
26 adequately protected the interest of the Class members in the lawsuit
27 regarding plaintiff’s representative wage and hour claims; and
28

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

e. A class action is superior to all other available methods for fairly and efficiently resolving the representative claims in connection to this lawsuit and provides substantial benefits to the Class Members.

3. Accordingly, solely for purposes of this settlement only, the Court preliminarily approves the Named Plaintiff as representative of the Class Members, and conditionally certifies a settlement class defined as follows:

Nonexempt Class: All current and former non-exempt employees who ~~or~~ were or are employed by Defendants in California at any time during the class period [November 19, 2016 through ~~March 30, 2021~~ March 30, 2022] and who have not received reimbursement for personal cellphone usage during the class period.

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

Nonexempt Class: All current and former non-exempt employees who were or are employed by Defendants in California at any time during March 20, 2022, through March 30, 2023, and who have not received reimbursement for personal cellphone usage during that PAGA period.

~~4.5~~ This matter is conditionally certified as a class action for settlement purposes only under California Code of Civil Procedure Section 382 and California Rules of Court, Chapter 6, Rules 3.767 *et seq.*, and/or other laws as applicable. If the settlement does not receive final approval, Defendants retain the right to assert that this action may not be certified as a class action for liability purposes.

~~5.6~~ Solely for purposes of implementing the Settlement Agreement and for purposes of this settlement, the Court preliminarily appoints as Class Counsel Jackson Law, APC.

7. The Court finds that the Settlement Agreement regarding the Plaintiff's representative 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.

**[PROPOSED] ORDER ~~GRANTING PLAINTIFFS'~~ GRANTING PLAINTIFF'S2
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

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1 6.8. The Court preliminarily approves the gross settlement of Nine Thousand Dollars
2 (\$9,000). Deducted from this Maximum Settlement Amount will be sums approved by
3 the Court for attorneys' fees (not to exceed \$2,250.00), or 25% of the Maximum
4 Settlement Amount, a Class Representative Service Award to Plaintiff Kathryn Enriquez
5 in the amount of (\$500) for her services, the PAGA Settlement Amount of Two
6 Thousand Five Hundred Dollars and Zero Cents (\$2,500.00) (i.e., a payment of One
7 Thousand Eight Hundred Seventy Five Dollars and Zero Cents (\$1,875.00) to the State
8 of California Labor and Workforce Development Agency for alleged penalties and Six
9 Hundred Twenty Five Dollars and Zero Cents (\$625.00) pro rata distribution to PAGA
10 Group Members as their PAGA Payment), and the fees and expenses of the Settlement
11 Administrator, ILYM Group, Inc. (estimated not to exceed \$1,000.00), which will result
12 in a maximum amount payable by Defendant for distribution to Class Members who do
13 not opt out (the "Net Settlement Amount"). Defendant's share of payroll taxes will be
14 paid separately from and in addition to the Gross Settlement Amount.

15
16 7.9. A final hearing (the "Final Approval Hearing") shall be held before this Court on
17 September 28, 2023 at 2 p.m. to determine whether: (a) the Court
18 should finally approve the Settlement Agreement and determine that the terms contained therein
19 are fair, reasonable, adequate, and in the best interests of the Class Members, (b) the Court
20 should enter final judgment dismissing with prejudice the operative Complaint in this lawsuit, (c)
21 to approve the application for the Attorneys' Fee Award to Class Counsel and Named Plaintiffs'
22 Incentive Awards in a manner consistent with the Settlement Agreement. The Final Approval
23 Hearing may be postponed, adjourned or continued by further order of this Court, without further
24 notice to the Class Members.

25 8.10. At the Final Approval Hearing, the Court will consider and determine whether the
26 Settlement Agreement should be finally approved as fair, adequate and reasonable in light of any
27 timely valid objections presented by the Class Members and the parties' responses to any such
28

**[PROPOSED] ORDER ~~GRANTING PLAINTIFFS'~~ GRANTING PLAINTIFF'S'
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1 objections that have been submitted to the Court in accordance with the provisions set forth
2 below.

3 ~~9-11.~~ 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 B which are
6 hereby approved, and for purposes of administering the terms of the settlement as set forth in the
7 Settlement Agreement. The Claims Administrator shall perform its duties consistent with the
8 provisions contained within the Settlement Agreement.

9 ~~10-12.~~ Any Class Member may object to the fairness, reasonableness or adequacy of the
10 proposed settlement. To assert a valid and timely objection to the Settlement, a Class Member
11 may file an objection with the Court either in writing or at the time of the hearing ~~or~~ appear at the
12 hearing and object at that time. Those who wish to submit such a dispute must mail a written
13 dispute or to the Settlement Administrator. The dispute must (a) state the Class Member's name,
14 address, telephone number, and the last four digits of his/her social security or tax identification
15 number; (b) clearly state the Class Member's dispute; (c) be signed by the Class Member or their
16 lawful representative; and (d) be postmarked no later than sixty (60) calendar days after the
17 Settlement Administrator mails the Notice to the Class. The Settlement Administrator's decision
18 on all such disputes will be submitted to the Court for final approval and will not be subject to
19 appeal.

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21 ~~11-13.~~ The Court finds that the manner of dissemination and content of the Class Notice
22 specified in detail in the Settlement Agreement (i) is the best notice practicable, (ii) is reasonably
23 calculated, under the circumstances, to apprise Class Members of the pendency of the lawsuit
24 and of their right to object to or to exclude themselves from the proposed settlement, (iii) is
25 reasonable and constitutes due, adequate and sufficient notice to all persons entitled to receive
26 notice, and (iv) meets all applicable requirements of applicable law.

27 ~~12-14.~~ Class Counsel shall file and serve papers in support of final approval of the
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**[PROPOSED] ORDER ~~GRANTING PLAINTIFFS~~ GRANTING PLAINTIFF'S
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1 Settlement no later than sixteen (16) court days in advance of the Final Approval Hearing.

2 ~~13-15.~~ The Claims Administrator is hereby ordered no later than twenty-one (21)

3 calendar

4 days before the Final Approval Hearing to file an affidavit attesting completeness and accuracy

5 of the proof of mailing of the Class Notice, Claim Form and Exclusion Form to the Class

6 Members.

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8 Dated:

JUDGE OF THE SUPERIOR COURT

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10 By: _____
11 The Honorable Judge Peter Wilson
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[PROPOSED] ORDER ~~GRANTING PLAINTIFFS'~~ GRANTING PLAINTIFF'S'
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