

Electronically Received 11/20/2023 05:34 PM

12/19/2023

David W. Slayton, Executive Officer / Clerk of Court

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on behalf of herself and others similarly situated

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

10
11 ADELA GASTELUM, on behalf of herself
and others similarly situated,

12 Plaintiff,

13 vs.

14 HAIR CLUB FOR MEN, LLC; HAIR CLUB
15 FOR MEN LTD., INC.; and DOES 1 to 100,
inclusive,

16 Defendants.
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Case No.: 20STCV29390

CLASS ACTION

[Assigned for all purposes to the Hon. David S. Cunningham, Dept. 11]

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

*[Filed concurrently with Plaintiff's Supplemental
Briefing in Support of the Motion for
Preliminary Approval of Class Action
Settlement; Declaration of Antonia McKee]*

Hearing Information:

Date: December 19, 2023

Time: 1:45 PM

Dept.: 11

1 The Motion for Preliminary Approval of Class Action Settlement came before this Court on
2 December 19, 2023 at 10 AM in Department 11 of Los Angeles County Superior Court located at
3 312 N. Spring St., Los Angeles, California 90012. The Court, having considered the proposed Joint
4 Stipulation of Class and Representative Action Settlement and Class Notice entered into by and
5 between Plaintiff Adela Gastelum (“Plaintiff”) and Defendants Hair Club for Men, LLC and Hair
6 Club for Men Ltd., Inc. (collectively, “Defendants” or “HCM”) attached as **Exhibit 1** to the
7 Declaration of Phillip Song in Support of Plaintiff’s Motion for Preliminary Approval of Class
8 Action Settlement, and the Exhibits attached thereto (hereafter collectively, the “Settlement” or
9 “Settlement Agreement”); having considered the Motion for Preliminary Approval of Class Action
10 Settlement filed by the parties; having considered the respective points and authorities and
11 declarations submitted by the parties in support thereof; and good cause appearing, HEREBY
12 ORDERS THE FOLLOWING:

13 The Court grants preliminary approval of the settlement as set forth in the Settlement and
14 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
15 granted approval by the Court at the Final Approval Hearing. For purposes of the Settlement, the
16 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
17 defined community of interest among the Class in questions of law and fact. Therefore, for
18 settlement purposes only, the Court grants conditional certification of the following “Class” defined
19 as follows:

20 All current and former non-exempt Stylists who worked for HCM within
21 the State of California at any time during the Class Period

- 22 1. The “Class Period” is the period from August 3, 2016 through December 31, 2022.
- 23 2. For purposes of the settlement, the Court further designates named Plaintiff Adela
24 Gastelum as Class Representative, and Joseph Lavi, Esq., and Vincent C. Granberry, Esq., of Lavi
25 & Ebrahimian, LLP, as Class Counsel.
- 26 3. The Court appoints Phoenix Settlement Administrators as the Settlement
27 Administrator.

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1 4. A Final Approval Hearing on the question of whether the proposed settlement should
2 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
3 Department SSC12 of this Court, located at 312 N. Spring St., Los Angeles, California 90012, on
4 April 23, 2024, 2023, at 10:00 am ~~a.m./p.m.~~

5 5. At the Final Approval Hearing, the Court will consider: (a) whether the settlement
6 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
7 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
8 attorney's fees litigation costs, and Class Representative Service Payment should be granted.

9 6. The Court preliminarily approves Plaintiff's application for an award of attorney's
10 fees capped at 33 1/3% of the Gross Settlement Amount.

11 7. Counsel for the parties shall file memoranda, declarations, or other statements and
12 materials in support of their request for final approval by no later than 16 court days prior the Final
13 Approval Hearing.

14 8. Class Counsel shall file a motion for an award of attorney's fees capped at 33 1/3%,
15 litigation costs, and Class Representative Service Payment by no later than 16 court days prior to
16 the Final Approval Hearing.

17 9. The Court approves, as to form and content, the Class Notice which is attached to
18 the Settlement as **Exhibit 1.**

19 10. No later than twenty-one (21) calendar days following the date the Court enters this
20 order, Defendants shall provide the following information to the Settlement Administrator: Class
21 Member identifying information in Defendants' possession including the Class Member's name,
22 last-known mailing address, Social Security number, and number of Class Period Workweeks and
23 PAGA Pay Periods ("Class List").

24 11. Within fifteen (15) calendar days after receiving the Class List, the Settlement
25 Administrator shall disseminate the Class Notice to all the Class Members identified in the Class
26 List by first-class U.S. Mail.

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1 12. Class Members shall have sixty (60) calendar days from the date the Settlement
2 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion
3 from the Settlement or fax, email, or mail an Objection to the Settlement (“Response Deadline”).
4 Class Members to whom Notice Packets are resent after having been returned undeliverable to the
5 Administrator shall have an additional fifteen (15) calendar days from re-mailing.

6 13. The Court finds that the forms of Class Notice to the Class regarding the pendency
7 of the action and of this settlement, and the methods of giving notice to Settlement Class
8 constitute the best notice practicable under the circumstances and constitute valid, due, and
9 sufficient notice to all members of the Class. They comply fully with the requirements of
10 California Code of Civil Procedure section 382, California Civil Code section 1781, California
11 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other
12 applicable law.

13 14. The Court further approves the procedures for Class Members to participate in, opt
14 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

15 15. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
16 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not
17 later than sixty (60) days after the Administrator mails the Class Notice (plus an additional fifteen
18 (15) days for Class Members whose Class Notice is re-mailed). A Request for Exclusion is a
19 letter from a Class Member or his/her representative that reasonably communicates the Class
20 Member’s election to be excluded from the Settlement and includes the Class Member’s name,
21 address and email address or telephone number. To be valid, a Request for Exclusion must be
22 timely faxed, emailed, or postmarked by the Response Deadline.

23 16. Any Class Member may send written objections to the Administrator, by fax,
24 email, or mail. In the alternative, Class Members may appear in Court (or hire an attorney to
25 appear in Court) to present verbal objections at the Final Approval Hearing. A Class Member who
26 elects to send a written objection to the Administrator must do so not later than sixty (60) days
27 after the Administrator’s mailing of the Class Notice (plus an additional fifteen (15) days for
28 Class Members whose Class Notice was re-mailed).

1 17. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
2 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
3 Order, are stayed.

4 18. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
5 connection with the administration of the settlement which are not materially inconsistent with
6 either this Order or the terms of the Settlement.

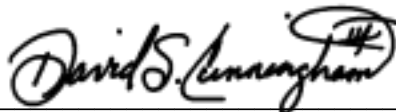
7 19. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class List: Last day for Defendants to provide the Settlement Administrator the Class List	21 calendar days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	15 calendar days after receipt of the Class List
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 calendar days prior to the Final Approval Hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 calendar days prior to the Final Approval Hearing
Last day for the Parties to respond to Objections	10 calendar days prior to the Final Approval Hearing
Hearing on final approval of class action settlement.	April 23, 2024 at 10:00 a.m.

20 20. The Final Approval Hearing and related prior deadlines set forth above may, from
21 time to time and without further notice to the Class (except those who have filed timely and valid
22 objections), be continued or adjourned by Order of the Court.

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24 **IT IS SO ORDERED.**

25 Dated: 12/19/2023



Hon. David S. Cunningham
Judge of the Superior Court