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and Proposed Class Counsel

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

YVONNE WELCH, on behalf of herself
and on behalf of all similarly situated
individuals,

Plaintiff,

v.

FIRST LIGHT RESORTS, LLC, a
California limited liability company, d/b/a
WEST CREEK LODGE and DOES 1
through 10, inclusive,

Defendants.

CASE NO: CV63506

*Assigned for all purposes to the Honorable Judge
Kevin M. Seibert, Dept. 2*

CLASS ACTION

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

Date: July 27, 2021

Time: 8:30 a.m.

Dept.: 2

Complaint Filed: December 11, 2020

1 Plaintiff Yvonne Welch's ("Plaintiff") motion for preliminary approval of class action
2 settlement came on for hearing before this Court in Department 2, Judge Kevin M. Seibert
3 presiding, on July 27, 2021. The Court, having considered the papers submitted in support of the
4 motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

5 1. The Court grants preliminary approval of the settlement based upon the terms set
6 forth in the Settlement Agreement and Release of Claims (the "Settlement Agreement") filed with
7 the Court. The settlement appears to be fair, adequate, and reasonable to the class;

8 2. The settlement falls within the range of reasonableness and appears to be
9 presumptively valid, subject only to any objections that may be raised at the final hearing;

10 3. The Court approves, as to form and content, the Notice of Pendency of Class Action
11 Settlement and Final Hearing ("Notice"), attached as **Exhibit 1** to the Settlement Agreement, and
12 Request for Exclusion, attached as **Exhibit 2** to the Settlement Agreement;

13 4. The Court directs the mailing of the Notice and Request for Exclusion by first class
14 mail to Class Members in accordance with the schedule set forth below. The Court finds that the
15 dates selected for the mailing and distribution of the Notice and Request for Exclusion, as set forth
16 herein, meet the requirements of due process and provide the best notice practicable under the
17 circumstances and shall constitute due and sufficient notice to all persons entitled thereto;

18 5. It is ordered that the Class is preliminarily certified for settlement purposes. The
19 Class is defined as follows: all persons employed by Defendant in a non-exempt position at Rush
20 Creek Lodge in Groveland, California between December 11, 2016 and March 16, 2021;

21 6. The Court confirms Gaines & Gaines, APLC Class Counsel, and grants preliminary
22 approval of an award of attorneys' fees of not more than \$240,000 and documented litigation costs
23 of up to \$10,000 to Class Counsel, subject to final approval by the Court following a further motion
24 by Class Counsel;

25 7. The Court confirms Yvonne Welch as the Class Representative and grants
26 preliminary approval to Service Payment in the amount of \$12,000 for her service in the Action;

27 8. The Court grants preliminary approval of the Private Attorneys General Act
28 payment of \$15,000 to the Labor and Workforce Development Agency;

1 9. The Court hereby approves ILYM Group, Inc. as the Settlement Administrator and
2 grants preliminary approval of the payment of fees and other charges of the Settlement
3 Administrator in an amount not to exceed \$10,000;

4 10. The Court orders the following schedule of dates for the specified actions/further
5 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, Social Security numbers, and their dates of employment in a non-exempt position at Defendant's Rush Creek Lodge in Groveland, California during the Release Period ("Settlement Class Information")	14 calendar days after entry of Court's Order granting preliminary approval of the Settlement Agreement
Last day for Settlement Administrator to mail Notice and Request for Exclusion to Class Members	21 calendar days after entry of Court's Order granting preliminary approval of the Settlement Agreement
Last day for exclusion requests by Class Members to be postmarked to Settlement Administrator	45 calendar days after mailing of Class Notice
Last day for written objections to the settlement by Class Members to be postmarked to Settlement Administrator	45 calendar days after mailing of Class Notice
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days prior to the final settlement approval hearing date
Final settlement approval hearing	_____, 2021, at _____. [approximately 85 calendar days after entry of this Order]

25 Dated: _____, 2021

JUDGE OF THE SUPERIOR COURT