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individually and on behalf of all similarly-situated and aggrieved employees

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF LOS ANGELES**

15 LUIS LOPEZ, individually and on behalf of)
all similarly-situated and aggrieved)
16 employees,)

18 Plaintiff,

20 vs.

21 GE UNITED TECHNOLOGIES, LLC, a)
22 Delaware Limited Liability Company d/b/a)
23 GRASSDOOR, and DOES 1 through 10,)
Inclusive,)

25 Defendants.

Case No. 20STCV34691

) ASSIGNED FOR ALL PURPOSES TO:

) The Honorable William F. Highberger

) Dept. SS 10

) **CLASS AND REPRESENTATIVE ACTION**

) **[PROPOSED]**

) **ORDER GRANTING PRELIMINARY**

) **APPROVAL OF CLASS ACTION**

) **SETTLEMENT**

) Date: May 16, 2022

) Time: 10:00 a.m.

) Dept: SS 10

) Judge: William F. Highberger

) Filed: September 11, 2020

) Trial date: None set

1 This matter came on for hearing on May 16, 2022 in Department SS 10 of the above-
2 captioned Court on Plaintiff's Motion for Order Granting Preliminary Approval of Class Action
3 Settlement ("Motion").

4 The Court, having fully reviewed the Motion, the supporting memorandum of Points and
5 Authorities, Declarations of Class Counsel Diana M. Khoury and Rodney Mesriani, Declaration of
6 Plaintiff Luis Lopez, and Declaration of Michael Bui on behalf of Simplrui, Inc., filed in support
7 of the Motion, the Joint Stipulation of Settlement and Release of Class Action (hereinafter
8 "Settlement Agreement"), the proposed Notice of Class Action Settlement ("Class Notice")
9 attached as Exhibit "A" to the Settlement Agreement and Change of Address Form attached as
10 Exhibit "B" to the Settlement Agreement, and having carefully analyzed the Settlement Agreement
11 and its Exhibits, and in recognition of the Court's duty to make a preliminary determination as to
12 the reasonableness of any proposed class action settlement, and if preliminarily determined to be
13 reasonable, to ensure proper notice is provided to all Settlement Class Members in accordance with
14 due process requirements, and to set a Final Approval Hearing to consider the proposed Settlement
15 as to the good faith, fairness, adequacy and reasonableness of any proposed Settlement, THE
16 COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

17 1. The Court conditionally finds that, for the purposes of approving this settlement
18 only, the proposed Class meets the requirements for certification under section 382 of the
19 California Code of Civil Procedure: (a) the proposed Class is ascertainable and so numerous that
20 joinder of all members of the class is impracticable; (b) there are questions of law or fact common
21 to the proposed Class, and there is a well-defined community of interest among members of the
22 proposed Class with respect to the subject matter of the class action; (c) the claims of the Class
23 Representative are typical of the claims of the members of the proposed Class; (d) the Class
24 Representative has and will fairly and adequately protect the interests of the members of the
25 Settlement Class; (e) a class action is superior to other available methods for an efficient
26 adjudication of this controversy in the context of settlement; and (f) the counsel of record for the
27 Class Representative are qualified to serve as counsel for him as well as his representative capacity
28 and for the Class.

1 2. The Court finds on a preliminary basis that the Settlement Agreement, attached to
2 the Declaration of Diana M. Khoury as Exhibit “1,” incorporated herein by this reference in full,
3 and made a part of this Order of preliminary approval, appears to be within the range of
4 reasonableness of a settlement which could ultimately be given final approval by this Court.

5 3. Further, it appears to the Court on a preliminary basis that: (a) the settlement
6 amount is fair and reasonable to the Settlement Class Members when balanced against the
7 probable outcome of further litigation relating to class certification, liability and damages issues
8 and potential appeals; (b) significant investigation, research, and informal discovery have been
9 conducted such that counsel for the Parties at this time are able to reasonably evaluate their
10 respective positions; (c) settlement at this time will avoid substantial costs, delay and risks that
11 would be presented by the further prosecution of the litigation; and (d) the proposed Settlement has
12 been reached as the result of intensive, serious and non-collusive negotiations facilitated by an
13 experienced mediator at mediation and between the Parties.

14 4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary
15 Approval of Class Action Settlement is hereby GRANTED, and as a part of said preliminary
16 approval, the Court accepts and incorporates the Settlement Agreement and orders that the Class
17 be conditionally certified for settlement purposes only pursuant to the terms and conditions
18 contained in the Settlement Agreement.

19 5. For purposes of the settlement of the Lawsuit, the Settlement Class is defined as:
20 “all hourly, non-exempt individuals employed by GE United Technologies, LLC dba Grassdoor in
21 California during the period from July 19, 2019 through July 13, 2021”.

22 6. The Court further finds that the proposed Notice of Class Action Settlement (“Class
23 Notice”) fairly and adequately advises Settlement Class Members of a) the pendency of the Class
24 Action; b) the conditional certification of the Class for settlement purposes only; c) preliminary
25 Court approval of the proposed Settlement; d) the date of the Final Approval Hearing; e) the terms
26 of the proposed Settlement and the benefits available to Settlement Class Members thereunder; f)
27 their right to receive their proportionate share of the Net Settlement Amount without the need to
28 return a claim form; g) their right to request exclusion from the settlement and the procedures and

1 deadline for doing so; h) their right to object to the Settlement, and the procedure for doing so; and
2 i) their right to file documentation in support of or in opposition to, and to appear in connection
3 with, said hearing. The Court further finds that the Class Notice clearly comports with all
4 constitutional requirements, including those of due process. Accordingly, good cause appearing,
5 the Court hereby APPROVES the Class Notice.

6 7. The Court further finds that the mailing of the Class Notice, Change of Address
7 Form, and pre-printed return envelope, (collectively, the “Notice Packet”), to the last known
8 address of Settlement Class Members as specifically described within the Settlement Agreement,
9 with measures taken for verification of an address and skip tracing set forth therein constitutes an
10 effective method of notifying Settlement Class Members of their rights with respect to the class
11 action and Settlement. Accordingly, it is hereby ORDERED, that:

12 A. Simpluris, Inc., be appointed the Settlement Administrator to administer the
13 settlement of this matter as more specifically set forth in the Settlement Agreement.

14 B. The law firms Cohelan Khoury & Singer and Mesriani Law Group be appointed
15 Class Counsel.

16 C. Plaintiff Luis Lopez be appointed the Class Representative.

17 D. Within 21 calendar days of Preliminary Approval of the Settlement, Defendant shall
18 transmit to the Settlement Administrator in a readable, ready to use electronic excel format
19 spreadsheet, with a list containing, for each Settlement Class Member, (1) full name; (2) last
20 known mailing address; (3) telephone number(s); (4) Social Security Number; (5) dates of
21 employment; (6) number of Weeks Worked during the Class Period; and (7) number of Pay
22 Periods employed as a PAGA Member during the PAGA Period, (“Class List and Data”).

23 E. Within 14 business days of receipt of the Class List and Data, the Settlement
24 Administrator shall mail the Notice Packet to each Settlement Class Member. The Notice Packet
25 shall be mailed by first class, regular U.S. mail, using the most current mailing address information
26 available, with measures taken for updating an address as provided by the terms of the Settlement
27 Agreement.

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1 F. Within 45 calendar days from the initial date the Settlement Administrator first
2 mails the Notice Packet to Settlement Class Members (the “Response Deadline”), Settlement Class
3 Members who wish to exclude themselves from the Class must submit a written request for
4 exclusion in the manner set forth in the Class Notice and such request must be postmarked by the
5 Response Deadline. Settlement Class Members who receive a re-mailed Notice Packet shall have
6 their Response Deadline extended fifteen (15) calendar days from the original Response Deadline,
7 to submit a Request for Exclusion.

8 G. On or before the Response Deadline, Settlement Class Members who dispute the
9 number of Work Weeks must submit a written explanation to the Settlement Administrator
10 describing why the number of Work Weeks are incorrect, with any supporting information or
11 documents, as set forth in the Class Notice, postmarked by the Response Deadline. Settlement
12 Class Members who receive a re-mailed Notice Packet shall have their Response Deadline
13 extended fifteen (15) calendar days from the original Response Deadline, to postmark a dispute.

14 H. On or before the Response Deadline, Settlement Class Members who wish to
15 submit a written objection to the Settlement, must return to the Settlement Administrator, their
16 written objections which must include, (i) the objector’s full name, address and signature; (ii) the
17 grounds for each objection made, and (iii) whether the Settlement Class Member intends to appear
18 at the Final Approval Hearing, postmarked by the Response Deadline. Any attorney who will
19 represent an objecting Settlement Class Member who has not filed a written objection must file a
20 notice of appearance with the Court and serve Counsel for the Parties by the Response Deadline.
21 Class Members may attend the Final Approval Hearing without having to submit a written
22 objection to the Administrator by the Response Deadline.

23 8. IT IS FURTHER ORDERED that the Final Approval Hearing shall be held before
24 the undersigned at ____ p.m. on _____, 2022, in Department SS 10 of the Superior Court for
25 the State of California, County of Los Angeles, located at the Spring Street Federal Courthouse,
26 312 N. Spring Street, Los Angeles, California 90012, to consider the fairness, adequacy and
27 reasonableness of the proposed Settlement preliminarily approved by this Order of Preliminary
28 Approval, and to consider the application for a Service Payment award to the Plaintiff/Class

1 Representative, for Settlement Administration expenses to Simpluris, Inc., and for Class Counsel's
2 attorneys' fees and litigation expenses incurred. All briefs and materials in support of an Order
3 Granting Final Approval, the Service Payment, Settlement Administration expenses, and Class
4 Counsel's attorneys' fees and litigation costs shall be filed with this Court on or before
5 _____, 2022.

6 9. IT IS FURTHER ORDERED that if for any reason the Court does not sign and file
7 an Order Granting Final Approval of Class Action Settlement, the Settlement Agreement shall be
8 treated as if it had not been entered, and the Parties shall be restored without prejudice to their
9 status quo ante rights, as specifically set forth in the Settlement Agreement.

10 10. All proceedings in this matter, except those contemplated by the Settlement
11 Agreement or this Order, are stayed.

12 11. The Court expressly reserves the right to adjourn or continue the Final Approval
13 Hearing from time to time without further notice to Settlement Class Members.

14 IT IS SO ORDERED.

15
16 Date: _____

The Honorable William F. Highberger