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Attorneys for Plaintiff
MARIA PADILLA, on behalf
of all others similarly situated, and also
on behalf of all aggrieved employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

MARIA PADILLA, an individual, on behalf of
all others similarly situated, and also on behalf
of all aggrieved employees

Plaintiffs,

vs.

SCHENKER, INC., a New York corporation;
and DOES 1 through 20, inclusive,
Defendants.

Case No. 24STCV02778

CLASS ACTION

*Assigned to the Honorable Lawrence P. Riff,
Dept. 7*

**NOTICE OF ERRATA REGARDING
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Complaint Filed: February 1, 2024

**TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR COUNSEL OF
RECORD:**

PLEASE TAKE NOTICE that Plaintiff MARIA PADILLA hereby requests the Court to take
notice of the following errata:

On August 21, 2024, Plaintiff filed a Motion for Preliminary Approval of Class Action
Settlement along with proposed Order Granting Preliminary Approval of Class Action Settlement, set

1 for hearing on October 22, 2024. The proposed Order included an error that was inconsistent with the
2 Class Action Settlement and the moving papers. The error was with respect to Paragraph 15 in the
3 Schedule of Settlement Proceedings.

4 Plaintiff submits as Exhibit A the corrected proposed Order for the Court's review and
5 consideration.

6
7 DATED: October 18, 2024

**LAW OFFICES OF RAMIN R. YOUNESSI
A PROFESSIONAL LAW CORPORATION**

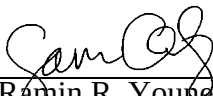
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9 By: 
10 Ramin R. Younessi, Esq.
11 Samantha L. Ortiz, Esq.
12 Attorneys for Plaintiff,
13 MARIA PADILLA
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EXHIBIT A

Ramin R. Younessi, Esq. (SBN 175020)
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
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MARIA PADILLA, an individual, on
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Plaintiffs,

vs.

SCHENKER, INC., a New York
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inclusive,

Defendants.

Case No. 24STCV02778

CLASS ACTION

*Assigned to the Honorable Lawrence P. Riff,
Dept. 7*

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND SETTING A
SETTLEMENT FAIRNESS HEARING**

Date: October 22, 2024

Time: 10:00 a.m.

Dept: 7

Complaint Filed: February 1, 2024

1 **[PROPOSED] ORDER**

2 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

3 The Motion for Preliminary Approval of Class Action Settlement came before this Court,
4 on October 22, 2024. The Court having considered the papers submitted in support of the Motion,
5 HEREBY ORDERS THE FOLLOWING:

- 6 1. The following Class is conditionally certified for purposes of settlement only: all
7 current and former non-exempt employees of Schenker, Inc. (“Defendant”) who work
8 or worked for Defendant in California at any time during the Class Period of October
9 8, 2019 through September 8, 2023
- 10 2. The Court grants preliminary approval of the Class based upon the terms set forth in
11 the Settlement agreement filed herewith.
- 12 3. The Settlement appears to be fair, adequate, and reasonable to the Class. The
13 Settlement falls within the range of reasonableness and appears to be presumptively
14 valid, subject only to any objections that may be raised at the final approval hearing
15 and final approval by this Court.
- 16 4. Plaintiff Maria Padilla is conditionally approved as the Class Representative for the
17 Class Members.
- 18 5. The Proposed Class Representative Service Payment of \$7,500 payable to the Class
19 Representative for her services is conditionally approved.
- 20 6. Samantha L. Ortiz, Esq. and the Law Offices of Ramin R. Younessi are conditionally
21 approved as Class Counsel.
- 22 7. The proposed awards of up to two hundred twenty-five thousand dollars (\$225,000.00)
23 for the Class Counsel Award and up to fifteen thousand (\$15,000.00) for Class
24 Counsel Litigation Expenses are conditionally approved.
- 25 8. A final approval hearing on the question of whether the Settlement, the Class Counsel
26 Award, the Class Counsel Litigation Expenses, and the Class Representative Service
27 Payment should be finally approved as fair, reasonable, and adequate as to Settlement
28

Class Members is scheduled in Department 7 on the date and time set forth in Paragraph 15 below.

9. The Court confirms Phoenix Administration as the Administrator.

10. The proposed payment of no more than eleven thousand dollars (\$11,000) for Administrator Expenses is conditionally approved.

11. The Court also hereby conditionally approves the PAGA Penalties Payment of forty thousand (\$40,000), of which 75 % (\$30,000.00) will be paid to the Labor Workforce Development Agency ("LWDA PAGA Payment") and the remainder of \$10,000.00 will be distributed to Settlement Class Members.

12. The Court approves, as to form and content, the Class Notice in substantially the forms attached as Exhibit A to the Settlement Agreement [Exhibit 2 to the Declaration of Samantha Ortiz.] The Court approves the procedure for Settlement Class Members to participate in, to opt out of, and to object to, the Settlement as set forth in the Class Notice.

13. The Court directs the mailing of the Class Notice by first class mail to Settlement Class Members in accordance with the implementation schedule set forth in Paragraph 15 below. The Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth in the Implementation Schedule, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

14. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Class Representative and all Settlement Class Members from filing or prosecuting any claims, suits, or administrative proceedings (including, but not limited to, filing claims with the Division of Labor Standards Enforcement of the California Department of Industrial Relations) regarding claims released by the Settlement unless and until such Settlement Class Members have filed valid Requests for Exclusion with the Administrator and the time for filing valid Requests for Exclusion with the

Administrator has elapsed. This provision shall not apply to claims not alleged in the Action.

15. The Court orders the following **Schedule of Settlement Proceedings**:

Date	Event
October 22, 2024	Preliminary Approval hearing (all dates that follow assume Preliminary Approval is granted on this date)
November 12, 2024	Defendant to provide to Administrator with a spreadsheet containing Class Data (21 days after Preliminary Approval)
November 26, 2024	Administrator to mail Class Notices to all Class Members (14 days after receiving Class Data from Defendant)
January 27, 2025 (extended to February 10, 2025)	Last day for Class Members to mail valid objections regarding Settlement (60 days after Administrator mails Class Notices to all Class Members). This deadline is extended 15 days in the event that Class Notice must be re-mailed to the Class Member.
January 27, 2025 (extended to February 10, 2025)	Last day for Class Members to mail valid Request for Exclusion from the Settlement (60 days after Administrator mails Class Notices to all Class Members). This deadline is extended 15 days in the event that Class Notice must be re-mailed to the Class Member.
February 17, 2025	Date by which Administrator will provide all Counsel with a list of all Class Members who submitted timely and valid Requests for Exclusion and/or objections to the Settlement (5 days after the deadline for submission of Requests for Exclusion)
February 28, 2025	Date by which Class Counsel will submit its Motion for Final approval of settlement, class representative fees and class counsel's attorneys' fees and expenses
March 27, 2025	Proposed Final Approval and Fairness Hearing

IT IS SO ORDERED.

DATED: _____, 2024

Hon. Lawrence P. Riff
Los Angeles Superior Court Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 3435 Wilshire Boulevard, Suite 2200, Los Angeles, California 90010.

On October 18, 2024, I served the documents described as on the attached **NOTICE OF ERRATA REGARDING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties in this action as follows:

☒ By emailing true copies addressed to each addressee as follows:

Jamie Y. Lee, Bar No. 228389
jylee@littler.com
P. Dustin Bodaghi, Bar No. 271501
dbodaghi@littler.com
LITTLER MENDELSON P.C.
18565 Jamboree Road, Suite 800
Irvine, California 92612

California Labor & Workforce Development
Agency
Attn. PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612
(VIA ELECTRONIC SERVICE ONLY)

☒ BY ELECTRONIC SERVICE: Pursuant to SB 836, I electronically filed a copy of the aforementioned document with California Labor & Workforce Development Agency Only.

☒ BY ELECTRONIC SERVICE: I electronically filed and served a copy of the aforementioned document with Case Anywhere.

Executed on October 18, 2024, at Los Angeles, California.

☒ STATE I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ FEDERAL I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Elizabeth Pineda

