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Attorneys for Plaintiffs, the Proposed Class, and all PAGA Groups

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

SHANE CASKEY; KALKIDAN SILER as
individuals, on behalf of themselves and
others similarly situated,

PLAINTIFFS,

v.

JOEY RESTAURANT (LOS ANGELES)
INC.; JOEY RESTAURANT
(MANHATTAN BEACH) INC.; JOEY
RESTAURANT (WOODLAND HILLS)
INC.; JOEY RESTAURANT GROUP; and
DOES 1 thru 50, inclusive,

DEFENDANTS.

CASE NO. 20STCV48840
Consolidated with Case No. 21STCV11098

[Case Assigned for All Purposes to the Hon.
David S. Cunningham in Dept. 11]

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

Date: April 18, 2023
Time: 1:45 PM
Dept.: 11

Siler Action Filed: 03/22/2021
Caskey Action Filed: 12/22/2020
Trial Date: None Scheduled

1 The Motion for Preliminary Approval of the Joint Stipulation of Class and Representative
2 Action Settlement and Release of Claims (“Settlement Agreement”), a copy of which is attached
3 to Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement as Exhibit “1”, came
4 before this Court on April 18, 2023. The Court, having considered the papers submitted in support
5 of the motion of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the Settlement Agreement and the Class¹
7 based upon the terms set forth in the Settlement Agreement filed herewith. The Settlement is fair,
8 adequate, and reasonable to the Class. The Court finds that: (a) the Settlement Agreement
9 resulted from extensive arm’s length negotiations; and (b) the Settlement Agreement is sufficient
10 to warrant notice of the Settlement to persons in the Class and a full hearing on the final approval
11 of the Settlement.

12 2. Settlement “Class Member(s)” or “Class” means all current and former non-exempt
13 employees who worked for Defendants in the State of California from October 15, 2019 up to and
14 including March 28,2022.

15 3. “PAGA Member” or “PAGA Group” means all current and former non-exempt
16 employees who worked one or more pay periods for Defendants in the State of California from
17 October 15, 2019 up to and including March 28, 2022.

18 4. The Settlement falls within the range of reasonableness and appears to be
19 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
20 and final approval by this Court.

21 5. The Court makes the following preliminary findings for settlement purposes
22 only:

23 A. The Class, which consists of approximately 1,198 persons, is so numerous
that joinder of all members is impracticable;

24 B. There appear to be questions of law or fact common to the Class for
25

26 ¹ All capitalized terms herein shall have the meaning ascribed to them in the Settlement
27 Agreement unless otherwise defined.

purposes of determining whether this Settlement should be approved;

C. Plaintiffs' claims appear to be typical of the claims being resolved through the proposed settlement;

D. Plaintiffs appear to be capable of fairly and adequately protecting the interests of the Class Members in connection with the proposed settlement;

E. Common questions of law and fact appear to predominate over questions affecting only individual persons in the Class. Accordingly, the Class appears to be sufficiently cohesive to warrant settlement by representation; and

F. Certification of the Class appears to be superior to other available methods for the fair and efficient resolution of the claims of the Class.

6. The Court approves, as to form and content, the Notice of Class Action Settlement to Class Members in substantially the form attached to the Settlement Agreement as Exhibit A.

7. The Court approves the procedure for Class Members to object to the Settlement as set forth in the Notice of Class Action Settlement to Class Members.

8. The Court approves the procedure for Class Members to become Participating Class Members as set forth in the Notice of Class Action Settlement to Class Members.

9. The Court directs the mailing of the Notice of Class Action Settlement to Class Members by first class mail to the Class Members in accordance with the Implementation Schedule set forth below. The Court finds that the dates selected for the mailing and distribution of the Notice of Class Action Settlement, 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.

10. The Court confirms Kingsley & Kingsley, APC and Vision Legal, Inc. as Class Counsel.

11. The Court confirms SHANE CASKEY and KALKIDAN SILER as the Named Plaintiffs.

12. The Court approves ILYM Group as the Claims Administrator.

13. The Court orders that pursuant to the Labor Code Private Attorneys General Act, Labor Code §§ 2698, et seq. ("PAGA"), statutory notice of this Settlement has been and will

continue to be given to the Labor & Workforce Development Agency.

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

a.	Deadline for Defendants to Provide Class Data to Claims Administrator	May 29, 2023
b.	Mail Notice to Class Members	June 15, 2023
c.	Deadline for Class Members to Postmark Any Request for Exclusion, Notice of Objection, or Dispute the Information in the Class Notice	August 14, 2023
d.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	August 31, 2023
e.	Deadline for Class Counsel to file Motion for Class Counsel Award	August 31, 2023
f.	Final Approval Hearing	September 26, 2023 at 10:00 a.m.

15. IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the Settlement Agreement, does not occur for any reason, the Settlement Agreement and the proposed Settlement that is the subject of this Order shall become null, void, unenforceable and inadmissible in any judicial, administrative or arbitral proceeding for any purpose, and all evidence, court orders and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the Settlement Agreement.

16. IT IS FURTHER ORDERED that, pending further Order of this Court, all proceedings in this consolidated action except those contemplated herein and in the Settlement Agreement are hereby stayed.

17. The Court expressly reserves the right to adjourn or continue the Final Fairness Hearing from time to time without further notice to members of the Class.

DATED: _____

HONORABLE DAVID S. CUNNINGHAM
JUDGE OF THE SUPERIOR COURT

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

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 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On April 24, 2023, I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Camilo Echavarria
camiloechavarria@dwt.com
Evelyn Wang
evelynwang@dwt.com
Christopher Im
christoperhim@dwt.com
DAVIS WRIGHT TREMAINE LLP
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Los Angeles, California 90071

[XX] (BY ELECTRONIC SERVICE) I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL THROUGH CASE ANYWHERE) On interested Parties set forth on the attached service list.

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 24, 2023, at Encino, California.


Michelle Tanzer