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11 on behalf of himself and others similarly situated

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SAN DIEGO**
14

15 KEVIN BECERRA, on behalf of himself
16 and others similarly situated,

17 Plaintiff,

18 vs.

19 HUGO BOSS RETAIL, INC., a Delaware
20 Corporation; and DOES 1 through 50,
inclusive

21 Defendants.
22
23

Case No. 37-2021-00002933-CU-OE-CTL

Judge: Hon. Ronald F. Frazier

Department: C-65

CLASS ACTION

**[PROPOSED] ORDER GRANTING
MOTION FOR AN ORDER (1)
PRELIMINARILY APPROVING THE
CLASS ACTION SETTLEMENT, (2)
APPROVING NOTICE OF CLASS ACTION
SETTLEMENT, AND (3) SETTING
HEARING FOR FINAL APPROVAL**

*[Filed concurrently with Plaintiff's Notice of
Motion and Motion; Memorandum of Points and
Authorities; and Declaration of David
Yeremian; Declaration of Emil Davtyan]*

Date: November 19, 2021

Time: 8:30 a.m.

Dept.: C-65

1 Plaintiff Kevin Becerra (“Plaintiff”) filed a Motion (the “Motion”) for an Order (1)
2 preliminarily approving the Joint Stipulation of Class Action and PAGA Settlement and Release
3 Settlement reached between the parties; (2) approving the Notice of Class Action Settlement, and
4 (3) setting the final approval hearing. The hearing on the Motion was set for November 19, 2021
5 at 8:30 a.m., at Hall of Justice, 330 W Broadway, San Diego, CA 92101 Department C-65.
6 Defendant Hugo Boss Retail, Inc., (“Defendant”), did not oppose the Motion. (Plaintiff and
7 Defendant shall be collectively referred to herein as the “Parties”).

8 The Court, having considered Plaintiff’s Motion, the Memorandum of Points and
9 Authorities in support thereof and supporting evidence and Declaration, and Defendant’s
10 agreement with and/or non-opposition to the Motion, hereby ORDERS, ADJUDGES, AND
11 DECREES as follows:

12 1. The Preliminary Approval Motion is GRANTED and the Parties’ Joint Stipulation
13 of Class Action and PAGA Settlement and Release Settlement (the “Settlement” or “Settlement
14 Agreement”) attached to the Declaration of David Yeremian is preliminarily approved.

15 2. This Order incorporates by reference the definitions in the Settlement Agreement
16 and all terms defined therein shall have the same meaning in this Order.

17 3. The Class is preliminarily certified for settlement purposes only. The class is
18 defined as: “all non-exempt hourly employees who were employed by Defendant in California
19 during the Class Period”, The Class Period is the period from May 21, 2018 through the earlier of
20 the date of preliminary approval of the Settlement Agreement or December 21, 2021. Should the
21 Settlement not become final, this Order shall be rendered null and void and shall be vacated, and
22 the fact that the Parties were willing to stipulate to class certification as part of the settlement
23 shall have no bearing on, nor be admissible in connection with, the issue of whether a class
24 should be certified in a non-settlement context. Should the Settlement not become final, the
25 Parties shall revert to their respective positions prior to notifying the Court of the settlement of
26 the action.

27 4. The class action settlement contemplated by the Settlement Agreement is
28 preliminarily approved based upon the terms set forth in the Settlement Agreement. The class

1 action settlement appears to be fair, adequate, and reasonable to the Class. The class action
2 settlement contemplated by the Settlement Agreement falls within the range of reasonableness
3 that could ultimately be granted final approval by the Court. The preliminary approval of the class
4 action settlement includes the approval for purposes of the settlement of David Yeremian of
5 David Yeremian & Associates, Inc. and Emil Davtyan of Davtyan Law Firm, Inc., as Class
6 Counsel; Kevin Becerra as Class Representative, and Simpluris as Class Action Administrator.
7 Class Counsel is authorized to act on behalf of the Class Members with respect to all acts or
8 consents required by or which may be given pursuant to the Settlement Agreement and the class
9 action settlement contemplated by the Settlement Agreement, and such other acts reasonably
10 necessary to consummate the settlement. The Class Action Administrator is authorized to perform
11 such acts as set forth in this Order and the Settlement Agreement.

12 5. The Court approves the Parties' allocation of \$25,000 to settle claims under the
13 Labor Code Private Attorneys General Act of 2004 ("PAGA"). Pursuant to Labor Code § 2699(i),
14 75% of this amount, or \$18,750, shall be paid to the California Labor & Workforce Development
15 agency and the remaining 25%, or \$6,250, shall be paid to Class Members in the manner set forth
16 in the Settlement Agreement.

17 6. The Notice of Class Notice Settlement ("Class Notice" or "Notice"), attached to
18 the Joint Stipulation of Class Action Settlement as **Exhibit B**, advising the Class of material
19 terms and provisions of this settlement, the procedure for approval thereof, and their rights with
20 respect thereto are approved as to form and content. The Court approves the procedure set forth in
21 the Settlement Agreement for Class Members to participate in, opt out of, and object to the
22 Settlement as set forth in the Notice.

23 7. The Notice shall be sent by first class mail to the Class in accordance with the
24 schedule set forth below. The dates selected for the mailing and distribution of the Notice Packet
25 as set forth below meet the requirements of due process and provide the best notice practicable
26 under the circumstances and shall constitute due and sufficient notice to all persons entitled
27 thereto:
28

- 1 a. Deadline for Defendant to provide to Class Action Administrator the class
2 list and related information in electronic form: 30 days after the Order granting
3 preliminary approval.
- 4 b. Deadline for Class Action Administrator to mail the Class Notice by first-
5 class regular U.S. mail: 15 calendar days after receiving the class list and related
6 information.
- 7 c. Deadline for class members to mail requests for exclusion to the Class
8 Action Administrator: 45 calendar days after the mailing of the Notice.
- 9 d. Deadline for class members to mail objections to the Class Action
10 Administrator: 45 calendar days after the mailing of the Notice
- 11 e. Deadline for Class Counsel to file a Motion for Final Approval and a
12 Motion for Attorneys' Fees: _____.
- 13 f. A Final Approval Hearing on the question of whether the proposed
14 settlement, attorneys' fees and costs to Class Counsel, and the class representative
15 enhancement should be approved as fair, reasonable, and adequate as to the
16 Settlement Class: _____ at _____ a.m./p.m.

17 8. The Joint Stipulation shall not be construed as an admission or evidence of either
18 liability or the appropriateness of class certification in the non-settlement context, as more
19 specifically set forth in the Joint Stipulation. Entry of this Order is without prejudice to the rights
20 of Defendant to oppose certification of a class in this action should the proposed settlement not be
21 granted final approval.

22 9. All further proceedings in this action shall be stayed except such proceedings
23 necessary to review, approve, and implement this Settlement.

24 **IT IS SO ORDERED.**

25 DATED: _____

26 _____
HONORABLE RONALD F. FRAZIER
27 JUDGE OF THE SUPERIOR COURT