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Attorney for Plaintiff and the Proposed Class

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

FRANZ CHAVEZ HIDALGO, an individual; on
behalf of himself and all others similarly situated;

Plaintiff,

v.

OROZCO'S AUTO SERVICE, INC., a California
Corporation; SERVANDO OROZCO, an
individual; CINDY OROZCO, an individual; and
DOES 1 to 100, inclusive;

Defendants.

Case Number: 22STCV21211

[Honorable Stuart M. Rice; Department 1]

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

Hearing:

Date: March 10, 2023

Time: 10:30 a.m.

Dept.: 1

Complaint Filed: June 29, 2022

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1 **[PROPOSED] ORDER**

2 **GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

3 Plaintiff FRANZ CHAVEZ HIDALGO's ("Plaintiff") Motion for Preliminary Approval of
4 Class Action Settlement came before this court on March 10, 2023. The Court, having considered the
5 "Class Action and PAGA Settlement Agreement and Class Notice", fully executed on August 19,
6 2022, between Plaintiff, on behalf of himself and all others similarly situated, And Defendants
7 ("Settlement Agreement"), attached as Exhibit 1 to the Declaration of Sarkis Sirmabekian, filed in
8 support of Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement, and
9 the exhibits attached thereto; having considered Plaintiff's Unopposed Motion for Preliminary
10 Approval of Class Action Settlement, memorandum of points and authorities, supporting declarations
11 filed therewith, and good cause appearing thereto, HEREBY ORDERS:

12 The Court GRANTS preliminary approval of the class action settlement as set forth in the
13 Settlement Agreement and finds the terms to be within the range of reasonableness of a settlement that
14 ultimately could be granted approval by the Court at the Final Fairness Hearing. For purposes of the
15 Settlement, the Court finds that the proposed Settlement Class is ascertainable and that there is a
16 sufficiently well-defined community of interest among the Class Members in questions of law and
17 fact. Therefore, for settlement purposes only, the Court GRANTS conditional certification of the
18 Settlement Class, defined as follows:

19 "all persons employed by OAS in California and classified as current and former hourly
20 non-exempt employees who worked for OAS during the period from April 2, 2017 through
21 the date of Preliminary Approval of this Settlement."

22 1. For purposes of the settlement, the Court further designates Plaintiff FRANZ CHAVEZ
23 HIDALGO as Class Representative, and Sarkis Sirmabekian, Esq. of the Sirmabekian Law Firm, PC
24 as Class Counsel;

25 2. The Court designates "Phoenix Settlement Administrators" as the third-party
26 Settlement Administrator for mailing notices and all other services required under the Settlement
27 Agreement;
28

1 3. The Court approves, as to form and content, the “Court Approved Notice of Class
2 Action Settlement and Hearing Date for Final Court Approval” (“Class Notice”), attached to the
3 Settlement Agreement;

4 4. The Court finds that the form of notice to the Class Members regarding the pendency
5 of the Action and of this Settlement, and the methods of giving notice to Class Members constitute the
6 best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all
7 Class Members. The form and method of giving notice complies fully with the requirements of
8 *California Code of Civil Procedure section 382 and 384, California Civil Code section 1781,*
9 *California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other*
10 *applicable law;*

11 5. The Court further approves the procedures for Class Members to opt out of or object to
12 the Settlement, as set forth in the Settlement Agreement and Class Notice (i.e., any exclusion form or
13 objection shall be submitted to the settlement administrator rather than filed with the court);

14 6. The procedures and requirements for filing objections in connection with the Final
15 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
16 presentation of any Class Member’s objection to the Settlement Agreement, in accordance with the
17 due process rights of all Class Members;

18 7. The Court has appointed a neutral company, Phoenix Settlement Administrators (the
19 “Administrator”) to send the Class Notice, calculate and make payments, and process Class Members’
20 Requests for Exclusion. The Administrator will also decide Class Member Challenges over
21 Workweeks, mail and re- mail settlement checks and tax forms, and perform other tasks necessary to
22 administer the Settlement. The Administrator’s contact information is contained in Section 9 of the
23 Class Notice. All Request for Exclusion and Notices of Objection Forms shall be submitted to the
24 Settlement Administrator, not to Class Counsel or Defendant’s counsel, however, the Settlement
25 Administrator may submit copies to the parties’ counsel.

26 8. The Court directs the Settlement Administrator, or counsel for the parties, to give notice
27 to any objecting party of any continuance of the hearing on the motion for final approval (“Final
28 Approval Hearing”);

1 9. Once Order granting Preliminary Approval of the Class Action Settlement is entered,
2 Plaintiff will reserve a hearing date for Final Approval, on the question of whether the Settlement
3 should be finally approved as fair, reasonable and adequate;

4 10. At the Final Approval Hearing, the Court will consider this: a) whether the Settlement
5 should be approved as fair, reasonable, and adequate for the Class; b) whether the judgment granting
6 final approval of the Settlement should be entered; and c) whether Plaintiff's application for Class
7 Counsel Award, the Class Representative Enhancement Payment, and Settlement Administration
8 Costs should be granted;

9 11. Counsel for the parties shall file memoranda, declarations, or other statements and
10 materials in support of their request for final approval of the Settlement, Class Counsel Awards and
11 the Class Representative Enhancement Payment;

12 12. Pending the Final Approval Hearing, all proceedings in this action, other than
13 proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement
14 and this Order, are stayed; and

15 13. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in
16 connection with the administration of the Settlement which are not materially inconsistent with either
17 this Order or the terms of the Settlement Agreement.

18
19 OTHER ORDERS:
20 _____
21 _____
22 _____.

23
24 **IT IS SO ORDERED.**

25
26 DATED:

Honorable Stuart M. Rice
Judge of the Superior Court

PROOF OF SERVICE
(§ 1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am a citizen of the United States of America; I am over the age of eighteen years and not a party to the within entitled action; my business address is: 3435 Wilshire Boulevard, Suite 1710, Los Angeles, California 90010.

On the below-indicated date, I served the following document:

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

on the interested parties in said action by placing:

___X___ a true and correct copy,

and addressed as set forth on the attached Service List and delivered by one or more of the means set forth below:

☒ **BY ELECTRONIC SERVICE IN LIEU OF SERVICE BY MAIL, EXPRESS MAIL, OVERNIGHT DELIVERY, OR FACSIMILE TRANSMISSION:** In accordance with California Code of Civil Procedure section 1010.6, I caused the document to be sent to the person(s) below at the e-mail address(es) listed below.

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

EXECUTED: February 10, 2023
At Los Angeles, California

Grigor Gregg Sirmabekhian
Grigor Gregg Sirmabekhian

[SERVICE LIST ON FOLLOWING PAGE]

SERVICE LIST

Joanne K. Leighton, Esq. [SBN 165378] ARTIANO & ASSOCIATES, APC 3828 Carson Street, Suite 102 Torrance, California 90503 Email: <i>JLeighton@artianolaw.com</i> Email: <i>Tlee@artianolaw.com</i>	<i>Attorneys for Defendants OROZCO'S AUTO SERVICE, INC., SERVANDO OROZCO, and CINDY OROZCO</i>
Labor and Workforce Development Agency Department of Industrial Relations LWDA Attn. PAGA Administrator 1515 Clay Street, Ste. 801 Oakland, California 94612	<i>Labor and Workforce Development Agency ("LWDA") filed/served online at:</i> <i>https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html</i>