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LAW AND MOTION DEPT. 53/54
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

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BY FAX
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

JAMIE ELLSWORTH, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

LECLAIR FITNESS II, LLC, a California
limited liability company; LECLAIR
FITNESS III, LLC, a California limited
liability company; LECLAIR FITNESS IV,
LLC, a California limited liability company;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: 34-2021-00295114-CU-OE-GDS

CEL
**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: March 22, 2022

Time: 9:00 a.m.

Dept.: 54

Reservation #: 2620432

Complaint Filed: February 23, 2021

Trial Date: None



1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 Plaintiff Jamie Ellsworth's ("Plaintiff") Motion for Preliminary Approval of Class Action
3 Settlement came before this Court, on March 22, 2022, the Honorable Christopher E. Krueger,
4 Judge presiding. The Court having considered the papers submitted in support of the application
5 of the parties, HEREBY GRANTS THE MOTION FOR PRELIMINARY APPROVAL OF
6 CLASS ACTION SETTLEMENT AND ORDERS THE FOLLOWING:

- 7 1. The Court grants preliminary approval of the settlement based upon the terms set
8 forth in the Joint Stipulation of Class Action and PAGA Settlement and Release
9 (hereinafter referred to as "Settlement Agreement") filed herewith. The
10 Settlement appears to be fair, adequate and reasonable to the Class.
- 11 2. The Settlement Agreement falls within the range of reasonableness and appears to
12 be presumptively valid, subject only to any objections that may be raised at the
13 final fairness hearing and final approval by this Court.
- 14 3. A final fairness hearing on the question of whether the proposed Settlement
15 Agreement, attorneys' fees to Class Counsel, the Class Representative's
16 Enhancement Award, and the Settlement Administrator's Costs should be finally
17 approved as fair, reasonable, and adequate as to the members of the Class is
18 scheduled in Department 54 on the date and time set forth in the schedule in
19 Paragraph 8 below.
- 20 4. This Court approves, as to form and content, the Notice of Class Action
21 Settlement ("Class Notice") in the form attached to the Settlement Agreement as
22 Exhibit A. The Court approves the procedure for Class Members to participate in,
23 to opt out of, and to object to, the Settlement as set forth in the Settlement
24 Agreement.
- 25 5. The Court directs the mailing of the Class Notice by first class mail to the Class
26 Members in accordance with the schedule set forth below. The Court finds the
27 dates selected for the mailing and distribution of the Class Notice meet the
28 requirements of due process and provide the best notice practicable under the

1 circumstances and shall constitute due and sufficient notice to all persons entitled
2 thereto.

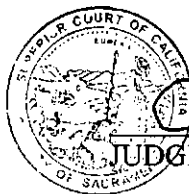
- 3 6. It is hereby ordered that the Settlement Class is preliminarily certified for
4 settlement purposes, which is defined as: all current and former non-exempt or
5 hourly employees of Defendants that worked in California at any time from
6 February 23, 2017, through November 28, 2021.
- 7 7. The Court confirms Phoenix Settlement Administrators as the Settlement
8 Administrator.
- 9 8. The Court orders the following schedule for further proceedings:

11 a.	Deadline for Defendant to Submit 12 Class Member Data to Settlement 13 Administrator	15 calendar days after Order granting Preliminary Approval
14 b.	Deadline for Settlement 15 Administrator to Mail the Class 16 Notice	10 calendar days after receipt of Class Member information from Defendant
17 c.	Deadline for Class Members to 18 Postmark Requests for 19 Exclusions	45 calendar days after mailing of the Notice of Proposed Class 20 Action Settlement to Class 21 Members
22 e.	Deadline for Class Counsel to file 23 Motion for Final Approval of 24 Settlement and Approval of 25 Attorneys' Fees, Costs, 26 Administration Costs, and 27 Enhancement Award	16 Court days before Final Approval Hearing

f.	Final Fairness Hearing and Final	9:00	a.m. on
	Approval	Aug 4	, 2022

IT IS SO ORDERED.

Dated: 4-29-2022



Christopher E. Krueger
JUDGE OF THE SUPERIOR COURT

CHRISTOPHER E. KRUEGER