

LIDMAN LAW, APC

Scott M. Lidman (SBN 199433)
 slidman@lidmanlaw.com
 Elizabeth Nguyen (SBN 238571)
 enguyen@lidmanlaw.com
 Milan Moore (SBN 308095)
 mmoore@lidmanlaw.com
 2155 Campus Drive, Suite 150
 El Segundo, California 90245
 Tel: (424) 322-4772
 Fax: (424) 322-4775

Attorneys for Plaintiff
 JOSE CARLOS MARTINEZ

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
 phaines@haineslawgroup.com
 2155 Campus Drive, Suite 180
 El Segundo, California 90245
 Tel: (424) 292-2350
 Fax: (424) 292-2355

Attorneys for Plaintiff
 JOSE CARLOS MARTINEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JOSE CARLOS MARTINEZ, as an individual
 and on behalf of all others similarly situated,

Plaintiff,

vs.

R C FURNITURE, INC., a California
 corporation; and DOES 1 through 100,
 inclusive,

Defendants.

Case No. 21STCV00874

*[Assigned for all purposes to the Hon.
 Kenneth R. Freeman, Dept. SSC-14]*

**~~PROPOSED~~ ORDER GRANTING
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

Date: August 24, 2023
 Time: 10:00 a.m.
 Dept.: SSC-14

Action Filed: January 7, 2021
 Trial Date: None Set

FILED

Superior Court of California
 County of Los Angeles

09/20/2023

David W. Slayton, Executive Officer / Clerk of Court

By: I. Arellanes Deputy

1 The Motion of Plaintiff Jose Carlos Martinez (“Plaintiff”) for Preliminary Approval of Class
2 Action Settlement will come on regularly for hearing before this Court on August 24, 2023 at 10:00
3 a.m. The Court, having considered the proposed Class Action and PAGA Settlement Agreement and
4 Class Notice (the “Settlement”), attached as Exhibit 2 to the Declaration of Scott M. Lidman filed
5 concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class
6 Action Settlement, Memorandum of Points and Authorities in support thereof, and supporting
7 declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth in
9 the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately
10 could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement,
11 the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-
12 defined community of interest among the members of the Settlement Class in questions of law and fact.
13 Therefore, for settlement purposes only, the Court grants conditional certification of the following
14 Settlement Class:

15 All individuals who were employed by Defendant R C Furniture, Inc. and
16 classified as hourly, non-exempt employees at any time between January 7,
2017 through November 7, 2022.

17 2. For purposes of the Settlement, the Court designates named Plaintiff Jose Carlos
18 Martinez as Class Representative, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman
19 Law, APC and Paul Haines of Haines Law Group, APC as Class Counsel.

20 3. The Court designates Phoenix Settlement Administrators as the third-party Settlement
21 Administrator for mailing notices.

22 4. The Court approves, as to form and content, the Court Approved Notice of Class Action
23 Settlement and Hearing Date for Final Court Approval (“Class Notice”) and is attached to the Settlement
24 as Exhibit A.

25 5. The Court finds that the form of notice to the Settlement Class regarding the pendency of
26 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,
27 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient
28 notice to all members of the Settlement Class. The form and method of giving notice complies fully

1 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
2 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
3 other applicable law.

4 6. The Court further approves the procedures for Settlement Class Members to opt out of or
5 object to the Settlement, as set forth in the Class Notice.

6 7. The procedures and requirements for filing objections in connection with the Final
7 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
8 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due
9 process rights of all Settlement Class Members.

10 8. The Court directs the Settlement Administrator to mail the Class Notice to the members
11 of the Settlement Class in accordance with the terms of the Settlement.

12 9. The Class Notice shall provide at least 45 calendar days' notice for members of the
13 Settlement Class to opt out of, or object to, the Settlement.

14 10. The Final Fairness Hearing on the question of whether the Settlement should be finally
15 approved as fair, reasonable, and adequate is scheduled in Department 14 of this Court, located at 312
16 North Spring Street, Los Angeles, California, 90012 on March 7, 2024, at 10:00 a.m.

17 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
18 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
19 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for
20 reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff, and payment
21 to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code
22 Private Attorneys General Act ("PAGA") should be granted.

23 12. Counsel for the parties shall file memoranda, declarations, or other statements and
24 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
25 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA for
26 PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil
27 Procedure and the California Rules of Court.

28 13. An implementation schedule is below:

Event	Date	Date if Court signs Order on August 24, 2023
Defendant to provide Class Data to Settlement Administrator	15 calendar days after issuance of the preliminary approval order	September 8, 2023
Settlement Administrator to mail Notice Packets to Class Members	3 business days after receiving Class Information from Defendant	September 13, 2023
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 calendar days after mailing of the Notice by the Settlement Administrator	October 28, 2023
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	30 calendar days before Final Fairness Hearing is February 6, 2024	February 6, 2024
Final Fairness Hearing:	March 7, 2024 at 10:00 a.m.	March 7, 2024 at 10:00 a.m.

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

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

IT IS SO ORDERED.

Dated: September 20, 2023




Honorable Kenneth R. Freeman
Judge of the Superior Court
Kenneth R. Freeman/Judge

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
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 2155 Campus Drive, Suite 150, El Segundo, California 90245.

On August 21, 2023, I served the document(s) described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the interested party(ies) in this action as follows:

Darin Webb, Esq.
dwebb@grsm.com
George Soares, Esq.
gsoares@grsm.com
GORDON REES SCULLY MANSUKHANI, LLP
101 W. Broadway, Suite 2000
San Diego, CA 92101

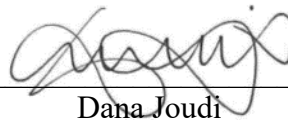
Attorneys for Defendant
R C FURNITURE, INC.

☐ (BY MAIL) I am "readily familiar" with Lidman Law, APC's practice of collection and processing correspondence for mailing. I enclosed the document(s) in a sealed envelope or package addressed to the persons at the address(es) listed above. Under the practice the correspondence would be deposited with the U.S. postal service on the same day with postage thereof fully prepaid at El Segundo, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage date is more than one day after date of deposit for mailing in affidavit.

☒ (BY ELECTRONIC SERVICE) I caused a true and correct copy of the document(s) described above to be electronically served on counsel of record at the electronic service addresses listed above by transmission to Case Anywhere.

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

Executed on August 21, 2023, at El Segundo, California.



Dana Joudi