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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

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 _____, 2023 at _____ a.m. /
17 p.m.

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

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

13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator	15 calendar days after issuance of the preliminary approval order
Settlement Administrator to mail Notice Packets to Class Members	3 business days after receiving Class Information from Defendant
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
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	16 court days before Final Fairness Hearing
Final Fairness Hearing:	_____, 2023 at _____ a.m./p.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: _____, 2023

Honorable Kenneth R. Freeman
Judge of the Superior Court