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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

FRANK NICHOLS, JR., Individually and on
behalf of all similarly-situated, aggrieved
employees of Defendants in the State of
California,

Plaintiffs,

v.

VUORI, INC., a California Corporation, and
DOES 1 through 50, inclusive,

Defendants.

Case No.: 37-2021-00010367-CU-OE-CTL

CLASS ACTION [CCP § 382]

IMAGED FILE

**[PROPOSED] ORDER RE PLAINTIFF
FRANK NICHOLS, JR.'S UNOPPOSED
MOTION: (1) PROVISIONALLY
CERTIFYING SETTLEMENT CLASS;
(2) PRELIMINARILY APPROVING CLASS
ACTION SETTLEMENT; (3) DIRECTING
DISTRIBUTION OF NOTICE OF
SETTLEMENT TO THE CLASS; (4)
APPOINTING CLASS COUNSEL AND
CLASS REPRESENTATIVE; 5) SETTING A
HEARING FOR FINAL APPROVAL OF
CLASS SETTLEMENT**

Date: April 15, 2022

Time: 9:00 a.m.

Judge: Eddie C. Sturgeon

Dept.: C-67

Date Complaint Filed: March 9, 2021

Plaintiff Frank Nichols, Jr.'s unopposed Motion for an Order preliminarily approving the class action
settlement; provisionally certifying a class for settlement purposes only; directing distribution to the class
of the notice to the class, appointing class counsel, appointing the claims administrator, and scheduling a

final approval hearing was considered on April 15, 2022 at Dept.: C-67, Hon. Judge Eddie C. Sturgeon presiding. The Court has considered the Stipulated Settlement Agreement and Release of Claims (“Agreement”), the submissions of counsel, and all other papers filed in this action. The matter having been submitted and good cause appearing therefore, the Court orders as follows:

1. The Court preliminarily approves of the settlement set forth in the Agreement as falling within the range of possible approval and meriting submission to potential Class Members for consideration, subject only to the consideration of objections of Class Members and the final review by the Court.

2. For purposes of, and solely in connection with, the settlement, the Court finds that each of the requirements for certification of the class set forth in Plaintiff’s unopposed Motion for Preliminary Approval of Class Action Settlement are met and hereby certifies the following Settlement Class:

“All current and former non-exempt, hourly paid retail employees who were employed by Defendant in the State of California at any time commencing four (4) years prior to the filing of this Action to the date of mediation, August 11, 2021.”

3. The Court approves, as to form and content, for dissemination and distribution to the Class Members, the proposed Notice of Proposed Class Action Settlement (“Notice”) attached as Exhibit 2 to the Declaration of Brian R. Short in support of Plaintiff’s Motion for Preliminary Approval.

4. The Court hereby appoints Brian R. Short and Dorota A. James of ShortLegal, APC as counsel for the Final Settlement Class.

5. The following dates shall govern for purposes of this settlement:

Deadline	Activity
April 22, 2022 (or 7 business days after Prelim. Order)	Defendant shall provide the Claims Administrator with the requisite Class Member list containing the name and last known address, telephone number, and social security number of each Class Member.
May 6, 2022 (or 14 calendar days after Defendant provides class database to Claims Administrator)	Notices shall be mailed to Class Members.
30 days after initial mailing of Notice	All Requests for Exclusion must be postmarked no later than this date.
30 days after initial mailing of Notice	All objections to the settlement must be filed and served no later than this date.
_____, 2022	Plaintiff’s Counsel shall file their Motion for Final Approval of Class Action Settlement.

Or 16 court days prior to final approval hearing	
_____, 2022 (or 16 court days prior to final approval hearing)	Plaintiff's Counsel shall file their Motion for Attorney's Fees and Costs.
10 calendar days prior to Final Approval Hearing)	Plaintiff's Counsel shall provide to the Court a declaration by the Claims Administrator of due diligence and proof of mailing of the Notice.
_____, 2022	Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs.

6. The Court hereby appoints Phoenix Class Action Administration Solutions ("Phoenix") as the Claims Administrator of the settlement.

7. The Claims Administrator shall send the Notice by first class United States mail to the Settlement Class on or before May 6, 2022 (or 14 calendar days after provision of the Class Member information by Defendant to the Claims Administrator). Each Class Member shall have until 30 days after initial mailing of Notice within which to postmark his or her request for exclusion and return it to the Claims Administrator.

8. The Court finds that the mailing of the Notice as set forth in the Agreement constitutes the best notice practicable under the circumstances to the Settlement Class, satisfies the requirements of California Code of Civil Procedure and due process, and shall constitute due and sufficient notice to all persons entitled thereto.

9. Any Class Member may request to be excluded from the Settlement Class by submitting a Request for Exclusion from the settlement within 30 days after initial mailing of Notice by following the procedure as set forth in Section III.C of the Notice. Any Request for Exclusion must include the name, address, telephone number, last four digits of their social security number and signature, and the dates of employment of the Class Member requesting exclusion. Any Class Member who timely requests exclusion in compliance with these requirements (i) shall not have any rights under this settlement; (ii) shall not be entitled to receive any Settlement Payments under this settlement; and (iii) shall not be bound by this settlement or the Court's Order and Final Judgment.

10. Any Class Member may object to the settlement. To object, the Class Member may file a written objection and a notice of intention to appear at the Final Approval Hearing and must send copies to

1 Class Counsel and Defendant's Counsel as set forth in the Notice. Class Members may file and serve their
2 objections within 45 days after initial mailing of Notice. Class Members who fail to file and serve timely,
3 written objections in the manner specified in the Notice shall be deemed to have waived any objections and
4 shall be foreclosed from making any objection (whether by appeal or otherwise) to the settlement, unless
5 otherwise ordered by the Court. Counsel for the parties may, at least 10 court days before the Final Approval
6 Hearing, file responses to any written objections submitted to the Court.

7 11. Class Counsel shall provide to the Court, at least 10 calendar days prior to the Final
8 Approval Hearing, a declaration by the Claims Administrator of due diligence and proof of mailing with
9 regard to the mailing of the Notice.

10 12. Neither this Order nor the Agreement nor any of its terms or provisions, nor any of the
11 negotiations or proceedings connected with it, shall be construed as an admission or concession by
12 Defendant of the truth of any of the allegations in the complaint or of any liability, fault or wrongdoing of
13 any kind.

14 13. Upon final approval by the Court of the Agreement, and except as to such rights or claims
15 as may be created by the settlement, the Class Representative, the Settlement Class and each Class Member
16 who has not submitted a valid and timely Request for Exclusion, each fully release and will be deemed to
17 have forever released and discharged the Released Claims. In the event that the settlement does not become
18 final for any other reason, the settlement will be null and void.

19 14. Class Counsel shall file their motion for final approval at least 16 court days before the
20 date of the Final Approval Hearing.

21 15. Class Counsel shall file their application for attorney's fees and costs for the named
22 Plaintiff at least 16 court days before the date of the Final Approval Hearing.

23 16. On [_____] / _____, 2022 at _____ a.m./p.m., or as soon thereafter, in
24 Department 67, a hearing will be held to determine whether the proposed settlement, including payment of
25 Class Counsel's attorney's fees and costs and the Class Representative's service payment, should be finally
26 approved as fair, reasonable and adequate as to the members of the Settlement Class. The Court may adjourn
27 or continue the Final Approval Hearing without further notice to the Settlement Class.
28

1 **IT IS SO ORDERED.**

2
3 Dated: _____

4 HON. EDDIE C. STURGEON
JUDGE OF THE SUPERIOR COURT

SHORTLEGAL, APC
350 10TH AVE., SUITE 1000
SAN DIEGO, CA 92101

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