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MELMED LAW GROUP P.C.

Jonathan Melmed (SBN 290218)

jm@melmedlaw.com

Kyle D. Smith (SBN 280489)

ks@melmedlaw.com

1801 Century Park East, Suite 850

Los Angeles, California 90067

Phone: (310) 824-3828

Fax: (310) 862-6851

Attorneys for Plaintiff, the Putative Class, and the Aggrieved Employees

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

RANDY COLBERT, an individual, on behalf of
himself, the State of California, as a private
attorney general, and on behalf of all others
similarly situated,

Plaintiff,

v.

ACTIVUS CONNECT LLC, a Florida Limited
Liability Company; and DOES 1 TO 50,

Defendants.

Case Number: 21STCV06019

**Revised ~~[Proposed]~~ Order Granting
Preliminary Approval of Class Action
Settlement**

Date: July 14, 2022

Time: 10:00 a.m.

Dept.: 14

Judge: Hon. Kenneth R. Freeman

FILED
Superior Court of California
County of Los Angeles

08/15/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: B. Guerrero Deputy

~~[PROPOSED]~~ **ORDER**

This matter having come for hearing on July 14, 2022, at 10:00 a.m., regarding Plaintiff's unopposed *Renewed Motion for Preliminary Approval of Class Action Settlement* (the "Motion") on the terms set forth in the parties' *Second Amended Settlement Agreement and Release of Class Action* (the "Settlement") attached as **Exhibit A** to the concurrently filed *Declaration of Jonathan Melmed in Support of Plaintiff's Renewed Motion for Preliminary Approval of Class Action Settlement*. Having considered the Settlement, all papers and proceedings held herein, and having reviewed the entire record in this action, the Court hereby finds and orders:

1. The Court grants Plaintiffs leave file the overlength brief attached to the Motion.

2. The Court grants preliminary approval of the Settlement and the "Settlement Class" (as that term is defined in the Motion) based upon the terms set forth in the Settlement. All terms used herein shall have the same meaning as defined in the Motion. The resolution set forth in the Settlement appears to be fair, adequate, and reasonable to the Settlement Class.

3. The Settlement falls within the range of reasonableness and is presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.

4. A final fairness hearing on the question of whether the proposed Settlement, the attorneys' fees and costs to Plaintiff's counsel, and Plaintiff's enhancement award should be finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled in Department 14 on the date and time set forth in the implementation schedule below.

5. This Court approves, as to form and content, the *Notice of Proposed Class Action Settlement* ("Class Notice") and *Class Action Settlement Share Form* ("Share Form") to be distributed to the Class Members pursuant to the Settlement in substantially the same form as is attached to the Settlement as **Exhibit 1** and **Exhibit 2**, respectively. The Court approves the procedure for Class Members to participate in, to opt out of, and to object to the Settlement as set forth in the Settlement.

6. The Court directs the mailing of the Class Notice by first class mail to the Class Members in accordance with the implementation schedule set forth below. The Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth in the implementation schedule,

1 meet the requirements of due process and constitute the best notice practicable under the circumstances
2 and due and sufficient notice to all persons entitled thereto.

3 7. The Court preliminarily certifies the Class, as defined in the Motion, for settlement
4 purposes.

5 8. The Court confirms Plaintiff Randy Colbert (“Plaintiff” or “Class Representative”) as
6 class representative.

7 9. The court confirms Jonathan Melmed and Kyle D. Smith of Melmed Law Group P.C.
8 as class counsel.

9 10. The court appoints ILYM Group, Inc. as the settlement administrator.

10 11. To facilitate administration of the Settlement pending final approval, the court hereby
11 enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, suits, or
12 administrative proceedings (including filing claims with the Division of Labor Standards Enforcement
13 of the California Department of Industrial Relations) regarding claims released by the Settlement,
14 unless and until such Class Members have filed valid requests for exclusion with the Settlement
15 Administrator and the time for filing claims with the Settlement Administrator has elapsed.

16 12. The Court orders the following Implementation Schedule for further proceedings:
17

18 a.	Deadline for Defendant to Submit Class List to the Settlement Administrator	[Within thirty (30) calendar days of this order.]
19 b.	Deadline for Settlement Administrator to Mail Notice Packets to all Class Members	[Within fourteen (14) calendar days of receipt of the Class Data from Defendants.]
20 c.	Deadline for Class Members to Postmark Share Forms with Challenges	[Within forty-five (45) days after mailing of the Class Notice.]
21 d.	Deadline for Class Members to Postmark Requests for Exclusion	[Within forty-five (45) days after mailing of the Class Notice.]
22 e.	Deadline for Class Members to Submit Any Objections to Settlement	[Within forty-five (45) days after mailing of the Class Notice.]
23 f.	Deadline for Settlement Administrator to Provide Class Counsel with Declaration of Due Diligence	[At least thirty (30) calendar days prior to final approval and fairness hearing.]
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25		
26		
27		
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f	Final Approval and Fairness Hearing	January 3, 2023 at 11:00 a.m./p.m.
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13. If any of the dates in this implementation schedule fall on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

IT IS SO ORDERED.



Dated: 08/15/2022

Kenneth R. Freeman / Judge

Hon. Kenneth R. Freeman

Judge of the Superior Court, County of Los Angeles

1 **PROOF OF SERVICE**
2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am over the age of 18 years and am employed in the county of Los Angeles, State of
4 California. I am not a party to the action. My business address is 1801 Century Park East, Suite
850, Los Angeles, CA 90067.

5 I declare that on the date hereof, July 21, 2022, I served the foregoing document(s)
6 described as:

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

8 By causing a true copy thereof to be sent to the following individuals and/or parties:

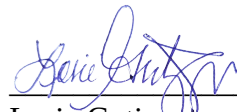
9 TAYLOR ENGLISH DUMA LLP
10 William B. DeClercq
wdeclercq@taylorenghish.com
11 445 South Figueroa Street, Suite 3100
12 Los Angeles, CA 90017

13 TAYLOR ENGLISH DUMA LLP
Alisa P. Cleek, Admitted Pro Hac Vice
14 acleek@taylorenghish.com
1600 Parkwood Circle, Suite 200
15 Atlanta, GA 30339

16 **[XX] BY CASE ANYWHERE.** Based on a court order or an agreement of the parties to accept
17 service by electronic transmission using Case Anywhere, I caused the documents to be sent to the
18 persons at the electronic notification addresses listed above (or on the attached service list). I did
19 not receive, within a reasonable time after the transmission, any electronic message or other
indication that the transmission was unsuccessful.

20 I declare under penalty of perjury under the laws of California that the above is true and
21 correct. I further declare that I am employed in the office of a member of the bar of this court at
whose direction the service was made.

22 Executed on July 21, 2022, in Los Angeles, California.

23 
24 _____
25 Lorie Gutierrez
26
27
28