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14 ERIKA SAMANO, individually, and as a representative for the State of California's Labor Code
15 claims pursuant to the Private Attorneys General Act

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **IN AND FOR THE COUNTY OF MARIN**

18 ERIKA SAMANO, individually, and
19 representing the State of California pursuant to
20 the California Labor Code Private Attorneys
21 General Act,

22 Plaintiffs,

23 vs.

24 COMET BUILDING MAINTENANCE, INC.,
25 dba COMET PROPERTY SERVICES,
26 RICHARD BASILE, and DOES 1 through 20,
27 inclusive,

28 Defendants.

ELECTRONICALLY FILED

Superior Court of California
County of Marin
05/14/2024

James M. Kim, Clerk of the Court
Q. Roary, Deputy

Case No. CIV2100550
SPF

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Date: 5/14/24
Time: 1:30
Dept.: A

*Assigned for all purposes to Judge Stephen P.
Freccero*

1 **TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 The Court, having read and considered the papers of Plaintiffs' Motion for Preliminary
3 Approval of Class Settlement; Approval of the Class Notice Packet; Preliminary Approval of Class
4 Representative Incentive Payments; Appointment of Settlement Administrator; and Setting of the
5 Final Approval Hearing, or without a hearing, the arguments of Counsel, and good cause appearing
6 hereby **ORDERS AS FOLLOWS:**

- 7 1. This Order hereby incorporates by reference the definitions of the Settlement Agreement
8 and Release ("Settlement") as though fully set forth herein, and all terms used herein
9 shall have the same meaning as set forth in the Settlement.
- 10 2. The Parties' Settlement is granted preliminary approval as it meets the criteria for
11 preliminary settlement approval. The Settlement falls within the range of possible
12 approval as fair, adequate and reasonable, and appears to be the product of arm's-length
13 and informed negotiations and to treat all Class Members fairly.
- 14 3. The Court hereby preliminarily approves the proposed Settlement upon the terms,
15 conditions, and all release language set forth in the Settlement attached to the Declaration
16 of Stan Mallison as **Exhibit 1**. The Court finds that the Settlement (including the claims
17 process, and requirements, the monetary provisions, the method of calculating claim
18 amounts, the release of claims, the proposed award of attorneys' fees and costs, and the
19 agreement regarding administration costs) appears to be fundamentally fair and adequate
20 and falls within the "range of reasonableness" necessary for preliminary approval by the
21 Court. It appears to the Court that the Settlement terms are fair, adequate, and reasonable
22 as to all potential Class Members when balanced against the probable outcome of further
23 litigation, given the risks relating to liability and damages. It further appears that
24 extensive and costly investigation and research has been conducted such that counsel for
25 the Parties at this time are reasonably able to evaluate their respective positions. It further
26 appears to the Court that the Settlement at this time will avoid substantial additional costs
27 by all Parties, as well as the delay and risks that would be presented by the further

1 prosecution of the Action. It appears that the Settlement has been reached as a result of
2 intensive, arm's-length negotiations utilizing an experienced third party neutral. The
3 Court finds the settlement to be presumptively valid, subject only to any objections that
4 may be raised at the Final Approval Hearing.

5 4. The Court hereby approves, as to form and content, the Class Notice Packet attached to
6 the Declaration of Stan Mallison as **Exhibit 2**. The Court finds and concludes that the
7 Class Notice fairly, plainly, accurately, and reasonably informs Class Members of: 1)
8 appropriate information about the nature of this case, the definition of the Class, the
9 identity of Class Counsel, and the essential terms of the Settlement; 2) appropriate
10 information about how to make a claim, opt out of the Settlement, and how to object to
11 the Settlement; and 3) appropriate instructions as to how to obtain additional information
12 regarding the Settlement. The Court finds that the mailing and distribution of the Class
13 Notice Packet in the manner set forth in Paragraph 6 of this Order meet the requirements
14 of due process and are the best notice practicable under the circumstances and shall
15 constitute due and sufficient notice to all persons entitled thereto.

16 5. The Court directs the mailing of the Court-approved Class Notice Packet via First Class
17 U.S. Mail to the Class Members in accordance with the schedule and procedures set forth
18 in Settlement. The Court finds that the dates and procedure selected for the mailing of
19 the Class Notice Packet meet the requirements of due process, provide the best notice
20 practicable under the circumstances, and constitute due and sufficient notice to all persons
21 entitled to notice.

22 6. Phoenix is appointed to act as the Settlement Administrator, pursuant to the terms set
23 forth in the Settlement, and as set forth in the Settlement Administration Bid attached to
24 the Declaration of Stan S. Mallison as **Exhibit 3**.

25 7. A Final Approval Hearing will be held on October 1, 2024 at 1:30 pm ~~a.m.~~ to
26 determine whether the Settlement should be granted final approval as fair, reasonable,
27 and adequate as to the Class Members. The Court will hear all evidence and argument
28

1 necessary to evaluate the Settlement and will consider Plaintiffs' and Class Counsel's
2 request for the Class Representative Incentive Payments and the Class Counsel's Fees
3 and Costs Payment. Class Members and their counsel may support or oppose the
4 Settlement and the requests for awards of the Class Representative Incentive Payments,
5 Class Counsel's Fees and Costs Payment, if they so desire, as set forth in the Class Notice.

6 8. The Court reserves the right to continue the date of the final approval hearing without
7 further notice to Class Members. The Court retains jurisdiction to consider all further
8 applications arising out of or in connection with the Settlement.

9 9. Accordingly, good cause appearing, the Court hereby approves the proposed Class Notice
10 Packet and adopts the following dates and deadlines, consistent with and in addition to
11 all the deadlines in the Settlement:

12 **IT IS SO ORDERED.**

13 Dated: 05/14/2024



HON. STEPHEN P. FRECCERO
Superior Court Judge of Marin County