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Attorneys for Plaintiffs EMMANUEL WRIGHT, ASHLEY DIANA CURRIE, KARIM BENZAKOUR, and RANDAL DAVIS

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

EMMANUEL WRIGHT, individually and on behalf of all others similarly situated, and in his representative capacity; ASHLEY DIANA CURRIE, individually and on behalf of all others similarly situated; KARIM BENZAKOUR, individually and on behalf of all others similarly situated; and RANDAL DAVIS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GWE, LLC, a foreign limited liability company; WPP Group USA, Inc., a foreign corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 21STCV03820

[Case Assigned for All Purposes to Hon. Elihu M. Berle in Dept. 6]

[PROPOSED] ORDER CONDITIONALLY CERTIFYING A CLASS FOR SETTLEMENT PURPOSES AND PRELIMINARILY APPROVING CLASS SETTLEMENT

Date: June 17, 2022
Time: 9:00 a.m.
Dept.: 6

Complaint Filed: February 1, 2021
Trial Date: None Set

1 The motion by Plaintiffs Emmanuel Wright, Ashley Diane Currie (erroneously named as
2 Ashley Diana Currie), Karim Benzakour, and Randal Davis (“Named Plaintiffs”) to conditionally
3 certify a class for settlement purposes only and to preliminarily approve a class settlement under
4 California Code of Civil Procedure 382 was heard on June 17, 2022 in Department 6 of the above
5 captioned Court, the Honorable Elihu M. Berle presiding. Defendants GWE, LLC and WPP Group USA,
6 Inc. did not oppose Named Plaintiffs’ motion. Having considered the papers and arguments of counsel,
7 and good cause appearing, the Court hereby ORDERS as follows:

8 1. The Court preliminarily approves the Settlement as set forth in the Settlement Agreement
9 as being fair, reasonable, and adequate.

10 2. This Order incorporates by reference all definitions in the parties’ Settlement
11 Agreement of Class Action and Private Attorneys General Act Claims (“Settlement” or
12 “Settlement Agreement”) in the action entitled *Emmanuel Wright, individually and on behalf of*
13 *all others similarly situated, v. GWE, LLC, et al.*, Case No. 21STCV03820 (the “Lawsuit”) and all
14 terms used herein shall have the same meanings as set forth in the Settlement Agreement.

15 3. The Court finds the requirements of Code of Civil Procedure 382 are satisfied for
16 purposes of settlement and conditionally certifies the following class for settlement purposes:

17 All current and former non-exempt employees in
18 California who served as background talent or
19 extras and who were compensated by Defendants
at a fixed salary beginning February 1, 2017
through the date the Settlement is preliminarily
approved by the Court (the “Employees”).

20 4. The Court finds Frank H. Kim of Kim Legal, APC and Helen U. Kim of Helen Kim
21 Law, APC to be capable of adequately representing the conditionally certified Settlement Class
22 and are hereby appointed as joint Class Counsel.

23 5. The Court approves ILYM Group Inc. as the Settlement Administrator to perform
24 those duties and responsibilities as set forth in the Settlement Agreement, and such further duties
25 as may be required to effectuate the Settlement.

26 6. The Court approves, as to form and content, the Notice of Proposed Settlement of
27 Class Action attached to the Settlement Agreement as Exhibit 1.

1 7. The Court finds that the mailing of the Notice of Proposed Settlement of Class
2 Action and methods for contacting and locating the Settlement Class described in the Settlement
3 Agreement constitutes the best notice practicable under the circumstances, constitutes valid and
4 sufficient notice to all of the Settlement Class, and conforms with the requirements of California
5 Code of Civil Procedure 382, California Rules of Court 3.766 and 3.769, and due process.

6 8. Within 10 days from the date of entry of this order, Defendants shall provide the
7 Settlement Administrator with a Settlement Class and PAGA Aggrieved Employee List showing
8 employees' names, Social Security number, last known address, dates of
9 employment/engagement, and the number of pay periods. The Settlement Administrator shall
10 keep the list confidential, except as to disclose to Class Counsel the number of individuals in the
11 Settlement Class, and will use it only for the purposes described herein.

12 9. Within fourteen (14) days after receipt of the Settlement Class and PAGA
13 Aggrieved Employee List, the Settlement Administrator shall mail a class notice to the Settlement
14 Class via first-class regular U.S. mail and follow the procedures set forth in the Settlement
15 Agreement. The Settlement Class will have sixty (60) days from the mailing of the Class Notice
16 to opt-out of or object to the Class Settlement. No PAGA Aggrieved Employee may opt out or
17 otherwise be excluded from the PAGA Settlement, as no such right exists under the law. An
18 individual in the Settlement Class who does not timely submit a written objection to the Settlement
19 Administrator may appear (or their representative may appear on their behalf) at the Final
20 Approval Hearing to present to the Court oral objections or concerns with the Settlement, so long
21 as they provide written notice, which may be by email, to Class Counsel, Defense Counsel, and
22 the Court no later than seven days prior to the date of the Final Approval Hearing of their intent to
23 appear at the Final Approval Hearing. The Parties will be permitted to respond in writing to such
24 objections prior to the Final Approval hearing and orally at the Final Approval Hearing. Any
25 individual in the Settlement Class who fails to file and serve timely written objections in the
26 manner specified above shall be deemed to have waived any objections and shall be foreclosed
27 from making any objection (whether by appeal or otherwise) to the Settlement.

1 10. Individuals who wish to exclude themselves from the Settlement Class must submit
2 a personally signed, written statement requesting exclusion from the Settlement Class on or before
3 the Objection/Exclusion Deadline Date. The request for exclusion must state in substance:

4 “I have read the Class Notice and I wish to opt out of the Settlement
5 Class in *Emmanuel Wright, et al. v. GWE, LLC et al.*, Los Angeles
6 County Superior Court Case No. 21STCV03820. I understand that
7 by requesting to be excluded from the Settlement Class, I will not
8 receive a Class Member Payment. I also understand that I will still
9 receive a PAGA Payment for my share of the PAGA Settlement, if
10 I am entitled to such payment, because I cannot object to or exclude
11 myself from the PAGA Settlement.”

12 11. A written request for exclusion must contain the name, address, telephone number,
13 and last four digits of Social Security number of the person requesting exclusion, must be returned
14 by mail to the Settlement Administrator at the specified address, must be personally signed by the
15 individual requesting exclusion, and must be postmarked on or before the Objection/Exclusion
16 Deadline Date. The date of the postmark on the return mailing envelope shall be the exclusive
17 means used to determine whether a request for exclusion has been timely submitted. If the
18 postmark is illegible then the request for exclusion must arrive within three (3) calendar days after
19 the Objection/Exclusion Deadline Date to be considered timely.

20 12. A Final Approval hearing shall be held on_____, 2022 at ____:_____.m.
21 before the Honorable Elihu M. Berle in Department 6, 312 North Spring Street, Los Angeles, CA
22 90012. At the Final Approval hearing, the Court shall determine whether the Settlement should
23 be finally approved as fair, reasonable and adequate, and whether the terms of this Preliminary
24 Approval Order and any other applicable legal prerequisites to Judgment are satisfied. The Court
25 will also determine the amount properly payable for (i) the Fees Award and Costs Award, (ii)
26 Named Plaintiffs’ Enhancement Payments, (iii) the Settlement Administration Costs, (iv) Class
27 Member Payments; and (v) the PAGA Payment.

28 13. Named Plaintiffs shall file a motion for Final Approval no later than sixteen court
days prior to the Final Approval hearing.

1 14. The Parties and Settlement Administrator are directed to add the date and time of
2 the Final Approval hearing, the deadline to request exclusion from or object to the Settlement and
3 information as applicable to the approved Notice of Proposed Settlement of Class Action.
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5 **IT IS SO ORDERED.**
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7 DATED: _____

8 HONORABLE ELIHU M. BERLE
9 SUPERIOR COURT OF CALIFORNIA
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(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 3435 Wilshire Blvd., Suite 2700, Los Angeles, CA 90010.

On May 6, 2022, I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER CONDITIONALLY CERTIFYING A CLASS FOR SETTLEMENT PURPOSES AND PRELIMINARILY APPROVING CLASS SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] BY ELECTRONIC MAIL TRANSMISSION: I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 6, 2022, at Los Angeles, California.

/s/ Frank H. Kim

Frank H. Kim