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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

MARCOS GARNICA, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

SOCAL RETAIL SERVICES, INC., a
California corporation; and DOES 1
through 100,

Defendants.

Case No.: 21STCV08762

*[Assigned for all purposes to the Hon. Maren
Nelson]*

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

Date: December 21, 2022

Time: 9:00 a.m.

Dept.: 17

Complaint Filed: March 5, 2021

Trial Date: None Set

1 The unopposed motion of Plaintiff Marcos Garnica (“Plaintiff”) for Preliminary Approval
2 of Class Action Settlement came on regularly for hearing before this Court on December 21,
3 2022, at 9:00 a.m. The Court, having considered the proposed Joint Stipulation of Class Action
4 Settlement (the “Settlement”), attached as Exhibit A to the Supplemental Declaration of Daniel
5 J. Brown filed concurrently herewith (“Supp. Brown Decl.”); having considered Plaintiff’s
6 Motion for Preliminary Approval of Class Action Settlement, Memorandum of Points and
7 Authorities in support thereof, and supporting declarations filed therewith; and good cause
8 appearing, HEREBY ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set
10 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
11 that ultimately could be granted approval by the Court at a Final Fairness Hearing. For purposes
12 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
13 there is a sufficiently well-defined community of interest among the members of the Settlement
14 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
15 conditional certification of the following Settlement Class:

16 All individuals who worked for Defendant So Cal Retail Services, Inc.
17 (“Defendant”), in California as non-exempt employees from March 5,
18 2017 through March 31, 2022. (“Settlement Class” or “Settlement
19 Class Members”). The “Class Period” as referred to herein shall be
20 from March 5, 2017 to March 31, 2022.

21 2. For purposes of the Settlement, the Court designates named Plaintiff Marcos
22 Garnica as Class Representative, and Daniel J. Brown and Ethan C. Surls of Stansbury Brown
23 Law, PC as Class Counsel.

24 4. The Court designates Phoenix Settlement Administrators as the third-party
25 Settlement Administrator for mailing notices.

26 5. The Court approves, as to form and content, the Notice of Class Action Settlement
27 (“Class Notice”) attached as Exhibit C to the Supplemental Declaration of Daniel J. Brown.

28 6. The Court finds that the form of notice to the Settlement Class regarding the
pendency of the action and of the Settlement, and the methods of giving notice to members of the
Settlement Class constitute the best notice practicable under the circumstances, and constitute

1 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
2 giving notice complies fully with the requirements of California Code of Civil Procedure section
3 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California
4 and United States Constitutions, and other applicable law.

5 7. The Court further approves the procedures for Class Members to opt out of or
6 object to the Settlement, as set forth in the Class Notice.

7 8. The procedures and requirements for filing objections in connection with the Final
8 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
9 presentation of any Class Member's objection to the Settlement, in accordance with the due
10 process rights of all Class Members.

11 9. The Court directs the Settlement Administrator to mail the Class Notice to the
12 members of the Settlement Class, in English and Spanish, in accordance with the terms of the
13 Settlement. The Court directs the Settlement Administrator to carry out all duties as required by
14 the Settlement.

15 10. The Class Notice Packet shall provide at least 60 calendar days' notice for Class
16 Members to opt out of, or object to, the Settlement. Any Request for Exclusion or Objection shall
17 be submitted directly to the Settlement Administrator and not filed with the Court. Upon receipt
18 of any Requests for Exclusion or Objections, the Settlement Administrator shall forward copies
19 of all Requests for Exclusion or Objections to counsel for all Parties. The Settlement
20 Administrator shall file a declaration concurrently with the filing of the Motion for Final Approval
21 of Class Action Settlement which authenticates a copy of every Request for Exclusion and
22 Objection received by the Settlement Administrator.

23 11. The Final Fairness Hearing on the question of whether the Settlement should be
24 finally approved as fair, reasonable, and adequate is scheduled in Department 17 of this Court,
25 located at 312 North Spring Street, Los Angeles, California 90012, on _____, 2023 at
26 9:00 a.m.

27 12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
28 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether

a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for reasonable attorneys' fees, reimbursement of litigation expenses, Enhancement Payment to Plaintiff, and payment to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

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

14. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator no later than [approximately 15 days after preliminary approval]:	January 5, 2023
Settlement Administrator to mail Class Notice, Request for Exclusion and Objection Form to Class Members no later than [7 days after receiving class data]:	January 12, 2023
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement [60 days after mailing]:	March 14, 2023
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	At Least 16 Court Days Prior to Final Fairness Hearing
Final Fairness Hearing:	_____, 2023

15. 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.

16. 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.

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IT IS SO ORDERED.

Dated: _____, 2022

Honorable Maren Nelson
Judge of the Superior Court

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
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 2610 ½ Abbot Kinney Blvd. Venice, CA 90212

On November 29, 2022, I served the document listed below on the parties in this action as follows:

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

- ☐ (BY MAIL) I placed such envelope on the above date, with postage fully prepaid, for deposit in the U.S. Postal Service at my place of business at Venice, California, following the ordinary business practices of my place of business. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mail with the U.S. Postal Service. Under that practice, such correspondence is deposited with the U.S. Postal Service the same day it is collected and processed in the ordinary course of business.
- X (BY CASE ANYWHERE) I caused to be transmitted the document(s) described herein via the CaseAnywhere(s) listed on the attached service list.
- X (BY LWDA ONLINE PORTAL) I caused to be transmitted the document(s) described herein via the LWDA online portal listed on the attached service list.
- X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 29, 2022, at Redondo Beach, California.



Ethan C. Surls

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SERVICE LIST

Gordon Rees Scully Mansukhani, LLP (VIA CASE ANYWHERE)

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Attorneys for Defendant
SoCal Retail Services, Inc.

Labor and Workforce Development Agency (VIA LWDA ONLINE PORTAL)

Online Submission Portal
<https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>