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and other similarly-situated employees

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

SUNNY K. TAM, on behalf of himself  
and other similarly-situated employees  
Plaintiff,

v.

Q TECH CORPORATION, a California  
Corporation; and DOES 1 Through 10,  
inclusive,

Defendants.

Lead Case No. 21STCV18635

Related Case No. 21STCV19805

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Elihu M. Berle

Department SS6

**CLASS ACTION AND REPRESENTATIVE  
ACTION**

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

**Hearing Information**

Date: August 12, 2022

Time: 11:00 a.m.

Dept: SS-6

Judge: Hon. Elihu M. Berle

Complaint filed: May 17, 2021

Trial date: Not set

1 This matter came on for hearing on August 12, 2022 in Department SS-6 of the above-  
2 captioned Court on Plaintiff's Motion for Order Granting Preliminary Approval of Class Action  
3 Settlement ("Motion").

4 The Court, having fully reviewed the Motion, the supporting memorandum of Points and  
5 Authorities, Declarations of Class Counsel, and Declaration of Plaintiff Sunny K. Tam, filed in  
6 support of Motion, the Class Action and PAGA Settlement Agreement and Release of Claims  
7 ("Settlement Agreement"), the proposed Notice of Class Action Settlement ("Class Notice")  
8 attached as Exhibit "A" to the Settlement Agreement and Change of Address Form, having  
9 carefully analyzed the Settlement Agreement and its Exhibits, and in recognition of the Court's  
10 duty to make a preliminary determination as to the reasonableness of any proposed class action  
11 settlement, and if preliminarily determined to be reasonable, to ensure proper notice is provided to  
12 all Class Members in accordance with due process requirements, and to set a Final Approval  
13 Hearing to consider the proposed Settlement as to the good faith, fairness, adequacy and  
14 reasonableness of any proposed Settlement, THE COURT HEREBY MAKES THE  
15 FOLLOWING DETERMINATIONS AND ORDERS:

16 1. The Court conditionally finds that, for the purposes of approving this settlement  
17 only, the proposed Class meets the requirements for certification under section 382 of the  
18 California Code of Civil Procedure: (a) the proposed Class is ascertainable and so numerous that  
19 joinder of all members of the class is impracticable; (b) there are questions of law or fact common  
20 to the proposed Class, and there is a well-defined community of interest among members of the  
21 proposed Class with respect to the subject matter of the class action; (c) the claims of the Class  
22 Representative are typical of the claims of the members of the proposed Class; (d) the Class  
23 Representative has and will fairly and adequately protect the interests of the Members of the  
24 Class; (e) a class action is superior to other available methods for an efficient adjudication of this  
25 controversy in the context of settlement; and (f) the counsel of record for the Class Representative  
26 are qualified to serve as counsel for him as well as his representative capacity and for the Class.

27 2. The Court finds on a preliminary basis that the Settlement Agreement, attached to  
28 the Declaration of Kristina De La Rosa as Exhibit "1," incorporated herein by this reference in

1 full, and made a part of this Order of preliminary approval, appears to be within the range of  
2 reasonableness of a settlement which could ultimately be given final approval by this Court.

3         3. Further, it appears to the Court on a preliminary basis that: (a) the settlement  
4 amount is fair and reasonable to the Class Members when balanced against the probable outcome  
5 of further litigation relating to class certification, liability and damages issues and potential  
6 appeals; (b) significant investigation, research, and informal discovery have been conducted such  
7 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;  
8 (c) settlement at this time will avoid substantial costs, delay and risks that would be presented by  
9 the further prosecution of the litigation; and (d) the proposed Settlement has been reached as the  
10 result of intensive, serious and non-collusive negotiations facilitated by an experienced mediator at  
11 mediation and between the Parties.

12         4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary  
13 Approval of Class Action Settlement is hereby GRANTED, and as a part of said preliminary  
14 approval, the Court accepts and incorporates the Settlement Agreement and orders that the Class  
15 be conditionally certified for settlement purposes only pursuant to the terms and conditions  
16 contained in the Settlement Agreement.

17         5. For purposes of the settlement of the Lawsuit, the Class is defined as:

18         “all current and former non-exempt, hourly-paid employees of Defendant who  
19 worked in California at any time during the time period of May 17, 2017 to  
20 March 13, 2022.”

21         6. The Court further finds that the proposed Notice of Class Action Settlement  
22 (“Notice”) fairly and adequately advises Class Members of a) the pendency of the Class Action; b)  
23 the conditional certification of the Class for settlement purposes only; c) preliminary Court  
24 approval of the proposed Settlement; d) the date of the Final Approval Hearing; e) the terms of the  
25 proposed Settlement and the benefits available to Class Members thereunder; f) their right to  
26 receive their proportionate share of the Net Settlement amount without the need to return a claim  
27 form; g) their right to request exclusion from the settlement and the procedures and deadline for  
28 doing so; h) their right to object to the Settlement, and the procedure for doing so; and i) their right  
to file documentation in support of or in opposition to, and to appear in connection with, said

1 hearing. The Court further finds that the Class Notice clearly comports with all constitutional  
2 requirements, including those of due process. Accordingly, good cause appearing, the Court  
3 hereby APPROVES the Class Notice.

4         7.       The Court further finds that the mailing of the Class Notice, Change of Address  
5 Form, and pre-printed return envelope, (collectively, the “Notice Packet”), to the last known  
6 address of Class Members as specifically described within the Settlement Agreement, with  
7 measures taken for verification of an address and skip tracing set forth therein constitutes an  
8 effective method of notifying Class Members of their rights with respect to the class action and  
9 Settlement. Accordingly, it is hereby ORDERED, that:

10               A.       ILYM Group, Inc., be appointed the Settlement Administrator to administer  
11 the settlement of this matter as more specifically set forth in the Settlement Agreement.

12               B.       Isam Khoury, Michael Singer, Kristina De La Rosa, and Rosemary Khoury  
13 of Cohelan Khoury & Singer, and Joseph Tojarieh of Stonebrook Law be appointed as Class  
14 Counsel.

15               C.       Plaintiff Sunny K. Tam be appointed as the Class Representative.

16               D.       Within fourteen (14) calendar days after entry of a Preliminary Approval  
17 Order, Defendant shall transmit to the Settlement Administrator in a readable, ready to use  
18 electronic excel format spreadsheet, with a list containing, for each Class Member, (1) the name;  
19 (2) most current mailing address; (3) telephone number(s) and email address as indicated in  
20 Defendant’s records; (4) social security number; (5) dates of employment; and (6) the aggregate  
21 number of Workweeks during the Class Period and the PAGA Period (“Class Data List”).

22               E.       Within fourteen (14) calendar days after receipt of the Class Data List, the  
23 Settlement Administrator shall mail the Notice Packet to each Class Member. The Notice Packet  
24 shall be mailed by first class, regular U.S. mail, using the most current mailing address  
25 information available, with measures taken for updating an address as provided by the terms of the  
26 Settlement Agreement.

27               F.       Within 45 calendar days from the initial date the Settlement Administrator  
28 first mails the Notice Packet to Class Members (the “Notice Response Deadline”), Class Members

1 who wish to exclude themselves from the Class must submit a written request for exclusion in the  
2 manner set forth in the Class Notice and such request must be postmarked by the Response  
3 Deadline. Class Members who receive a re-mailed Notice Packet shall have their Response  
4 Deadline extended fifteen (15) calendar days from the original Response Deadline, to submit a  
5 Request for Exclusion.

6 G. On or before the Response Deadline, Class Members who dispute the  
7 number of Workweeks must postmark and submit a written explanation to the Settlement  
8 Administrator describing why the Workweeks are incorrect, with any supporting information or  
9 documents, as set forth in the Class Notice.

10 H. Class Members who wish to object to the Settlement, should submit to the  
11 Settlement Administrator, a written Notice of Objection. Class Members may also appear at the  
12 time of the Final Approval Hearing to comment upon the Settlement.

13 8. IT IS FURTHER ORDERED that the Final Approval Hearing shall be held before  
14 the undersigned at \_\_\_\_ p.m. on \_\_\_\_\_, 2022, in Department SS6 of the Superior Court for  
15 the State of California, County of Los Angeles, located at the Spring Street Superior Court Spring  
16 Street Courthouse located at 312 N. Spring Street, San Diego, CA 90012 to consider the fairness,  
17 adequacy and reasonableness of the proposed Settlement preliminarily approved by this Order of  
18 Preliminary Approval, and to consider the application for a service payment award to the named  
19 Plaintiff/Class Representative, for Settlement Administration expenses and for Class Counsel's  
20 attorneys' fees and litigation expenses incurred. All briefs and materials in support of an Order  
21 Granting Final Approval, the service payment, Settlement Administration expenses, and Class  
22 Counsel's attorneys' fees and litigation costs shall be filed with this Court on or before  
23 \_\_\_\_\_, 2022.

24 9. IT IS FURTHER ORDERED that if for any reason the Court does not sign and file  
25 an Order Granting Final Approval, the Settlement Agreement shall be treated as if it had not been  
26 entered, and the Parties shall be restored without prejudice to their status quo ante rights, as  
27 specifically set forth in the Settlement Agreement.

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1           10. All proceedings in this matter, except those contemplated by the Settlement  
2 Agreement or this Order, are stayed.

3           11. The Court expressly reserves the right to adjourn or continue the Final Approval  
4 Hearing from time to time without further notice to Class Members.

5 IT IS SO ORDERED.

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7 Date: \_\_\_\_\_

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The Honorable Elihu M. Berle

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