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FILED
Superior Court of California
County of Los Angeles

10/29/2024

David W. Slayton, Executive Officer / Clerk of Court

By: A. Rodriguez Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

HYO KYUNG LEE, an individual,

Plaintiff,

v.

ELITE LOGISTICS CORP., a California
corporation; MOON C. KANG, an individual;
and DOES 1 through 50, inclusive,

Defendants.

CLASS ACTION

Case No. 21STCV34748

Assigned to: Hon. Wendy Chang

Dept: 36

**~~PROPOSED~~ ORDER GRANTING
CONDITIONAL CLASS
CERTIFICATION AND
PRELIMINARY APPROVAL OF
CLASS ACTION AND PRIVATE
ATTORNEY GENERAL
SETTLEMENT**

Date: September 26, 2024

Time: 8:30 a.m.

Dept.: 36

Complaint Filed: September 21, 2021

Reservation ID: 149894017372

I. ~~PROPOSED~~ ORDER

On October 29, 2024 at 8:30 a.m., this case came for hearing before the Honorable Wendy Chang in Department 36 of the Superior Court, County of Los Angeles, located at 111 North Hill Street, Los Angeles, California 90012, for Plaintiff Hyo Kyoung Lee's unopposed Motion for Conditional Class Certification and Preliminary Approval of Class Action and Private Attorney General Act Settlement ("Motion").

1 The Court, having fully reviewed the unopposed Motion, the supporting memorandum of
2 Points and Authorities, the supporting Declaration of Richard Kim, the Class, Collective and PAGA
3 Representative Action Settlement Agreement (“Settlement Agreement”), and the proposed Notice of
4 Class Action Settlement (“Class Notice”), and having carefully analyzed the Settlement Agreement
5 and the Notice,

6 **HEREBY MAKES THE FOLLOWING ORDERS:**

7 1. The Court grants preliminary approval of the Settlement and the Settlement Class
8 based upon the terms set forth in the Settlement Agreement, attached to the Declaration of Richard
9 Kim, Esq. as Exhibit 1, and incorporated herein by this reference, and made a part of this Order. The
10 Settlement falls within the range of reasonableness and appears to be valid, subject only to any
11 objections that may be raised at the final fairness hearing and final approval by this Court. For
12 settlement purposes only, the Court grants conditional certification of the following “Settlement
13 Class” defined as:

14 [A]ll persons employed by Elite and classified as an hourly paid, non-exempt employee
15 during the Class Period, other than employees classified as truck drivers.”

16 The Class Period is from September 21, 2017 to the date of this order.

17 2. The Court confirms Richard Kim from the LAW OFFICE OF RICHARD KIM, PC. as Class
18 Counsel for purposes of settlement.

19 3. The Court hereby appoints Hyo Kyoung Lee as Class Representative.

20 4. The Court confirms ILYM Group, Inc. as the Claims Administrator.

21 5. The Court finds that the form of the Class Notice to the Settlement Class regarding the
22 pendency of the action and of the Settlement, and the methods of giving notice to members of the
23 Settlement Class, constitute the best notice practicable under the circumstances, and constitute valid,
24 due, and sufficient notice to the Settlement Class. The form and method of giving notice complies
25 with the requirements of California Code of Civil Procedures § 382, California Civil Code § 1781,
26 California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other
27 applicable law.

6. The Court approves the procedures for Settlement Class members to opt out of or object to the Settlement, as set forth in the Class Notice and the Settlement. The Class Notice shall provide at least 60 calendar days' notice for members of the Settlement Class to submit disputes, opt out of, or object to the Settlement.

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

8. The Court directs the Claims Administrator to mail the Class Notice to the members of the Settlement Class in accordance with the terms of the Settlement.

9. The Final Fairness Hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department 36 of this Court, located at 111 North Hill Street, Los Angeles, California 9001, on TBD at _____.

10. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should be 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 Plaintiffs' application for an enhancement payment, claims administration costs, Labor and Workforce Development Agency's ("LWDA") share of PAGA penalties, and Class Counsel's attorneys' fees and costs should be granted.

11. Class Counsel shall file memoranda, declarations, or other statements and materials in support of their request for final approval, including Plaintiff's application for enhancement payments, claims administration costs, LWDA's share of PAGA penalties, and Class Counsel's attorneys' fees and costs no later than TBD.

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

Event	Timing
Defendants to deliver class data to Administrator.	Within 15 court days after preliminary approval
Class Notice mailed to Class Members.	14 days after receipt of class data

Deadline to opt-out, object, or challenge workweek/PAGA pay period count.	60 days after the Class Notice is mailed (the “Response Deadline”), plus an additional 14 days for re-mailed Class Notices
Plaintiff files Motion for Final Approval, Motion for Attorneys’ Fees and Reimbursement of Costs, and Motion for Enhancements Award.	16 Court days before the final Approval Hearing or _____
Final Approval Hearing	16 court days after the filing of Motion for Final Approval, Motion for Attorneys’ Fees and Reimbursement of Costs, and Motion for Enhancements Award, or _____, at _____.

13. 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.

14. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement that are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

10/29/2024

Dated: _____



Wendy Chang / Judge

HONORABLE WENDY CHANG

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