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and Proposed Class Counsel

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

DINESHA WHITE, on behalf of herself
and all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

WING PROS, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 34-2021-00303521

*Assigned to the Hon., Richard K. Sueyoshi, Dept.
53*

**[PROPOSED] ORDER (1) GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT**

**Date: July 13, 2023
Time: 1:30 p.m.
Dept.: 53**

Reservation #2720918

Complaint Filed: July 2, 2021

1 Plaintiff Dinesha White's ("Plaintiff") Unopposed Motion for Preliminary Approval of
2 Class Action Settlement and for Leave to File First Amended Complaint came on for hearing before
3 this Court in Department 53, Judge Richard K. Sueyoshi presiding, on July 13, 2023. The Court,
4 having considered the papers submitted in support of the motion and having heard oral argument
5 of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Class, Collective, And Representative Settlement Agreement ("Settlement") filed with
8 the Court. The settlement appears to be fair, adequate, and reasonable for the Class;

9 2. The settlement falls within the range of reasonableness and appears to be
10 presumptively valid, subject only to any objections that may be raised at the final hearing;

11 3. The Court approves, as to form and content, the Notice of Proposed Class Action
12 Settlement and Hearing Date for Court Approval ("Notice"), attached to the Settlement as Exhibit
13 A;

14 4. The Court directs the mailing of the Notice by first class mail to the Settlement Class
15 Members in accordance with the schedule set forth below. The Court finds that the dates selected
16 for the mailing and distribution of the Notice, as set forth herein, meet the requirements of due
17 process and provide the best notice practicable under the circumstances and shall constitute due
18 and sufficient notice to all persons entitled thereto;

19 5. It is ordered that the settlement class is preliminarily certified for settlement
20 purposes only. The Settlement Class is defined as follows: All current and former non-exempt
21 employees of Defendant [Wing Pros, Inc.] who worked in the State of California at any time during
22 the Class Period [November 4, 2018 through August 31, 2022];

23 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
24 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
25 of up to 35% of the Class Settlement Amount (or \$82,250) and documented litigation costs of up
26 to \$12,500 to Class Counsel, subject to final approval by the Court following a further motion by
27 Class Counsel;

28 \\\

7. The Court approves and appoints Plaintiff Dinesha White as the Class Representative and grants preliminary approval to a proposed Class Representative Enhancement Payment in an amount not to exceed \$10,000;

8. The Court grants preliminary approval of the Private Attorneys General Act payment of \$15,000 to the Labor and Workforce Development Agency;

9. The Court hereby approves Phoenix Class Action Administration Solutions as the Claims Administrator and grants preliminary approval of the payment of fees and other charges of the Claims Administrator in an amount not to exceed \$10,000;

10. The Court grants Plaintiff leave to file the First Amended Class and Representative Action Complaint attached as Exhibit B to the Settlement, within five (5) court days of the entry of this Order, and consents that Defendant is not required to file a responsive pleading thereto; and

11. The Court orders the following schedule of dates for the specified actions/further proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Claims Administrator a list of all Class Members, including the Class Member's name, last-known mailing address, Social Security number, and number of Class Period Workweeks and PAGA Pay Periods ("Class Data")	15 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Claims Administrator to mail the Notice to Class Members via U.S. Mail	14 calendar days after Claims Administrator's receipt of Class Data
Last day for Class Members to submit a written exclusion or objection to Claims Administrator	60 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	_____, 2023
Last day for Class Counsel to file with the Court and serve declaration by Claims Administrator specifying the due diligence undertaken with regard to the mailing of the Notice, the Exclusion Form, and the Dispute Form	_____, 2023

<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, 2023, at _____. The Parties suggest the final approval hearing be held approximately 120 days after this preliminary approval order is signed.

Dated: _____

JUDGE OF THE SUPERIOR COURT