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8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SACRAMENTO**
11

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

14 Plaintiffs,

15 v.

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

18 Defendants.
19

CASE NO: 34-2021-00303521

Assigned to the Hon. Jill H. Talley, Dept. 27

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

Date: October 13, 2023

Time: 9:00 a.m.

Dept.: 27

Reservation # A-303521-001

Complaint Filed: July 2, 2021

21
22 Plaintiff Dinesha White’s (“Plaintiff”) Unopposed Motion for Preliminary Approval of
23 Class Action Settlement and for Leave to File First Amended Complaint came on for hearing before
24 this Court in Department 53, Judge Richard K. Sueyoshi presiding, on October 13, 2023 at 9:00
25 a.m. The Court, having considered the papers submitted in support of the motion and having heard
26 oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

27 \\\n

28 \\\n

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

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

6 3. The Court approves, as to form and content, the Notice of Proposed Class Action
7 Settlement and Hearing Date for Court Approval (“Notice”), attached to the Settlement as Exhibit
8 A;

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

14 5. It is ordered that the settlement class is preliminarily certified for settlement
15 purposes only. The Settlement Class is defined as follows: All current and former non-exempt
16 employees of Defendant [Wing Pros, Inc.] who worked in the State of California at any time during
17 the Class Period [beginning on November 4, 2018 and continuing through to and including August
18 31, 2022];

19 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
20 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys’ fees
21 of up to 35% of the Class Settlement Amount (or \$82,250) and documented litigation costs of up
22 to \$17,000 to Class Counsel, subject to final approval by the Court following a further motion by
23 Class Counsel;

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

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

1 9. The Court grants preliminary approval of the Private Attorneys General Act
2 payment of \$5,000 to the Aggrieved Employees;

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

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

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement 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 Settlement Administrator to mail the Notice to Class Members via U.S. Mail	14 calendar days after Settlement Administrator's receipt of Class Data
Last day for Class Members to submit a written exclusion or objection to Settlement 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	_____, 2024
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice, the Exclusion Form, and the Dispute Form	_____, 2024
Final settlement approval hearing	_____, 2024 at _____.m.

26
27 Dated: _____

JUDGE OF THE SUPERIOR COURT