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individually, and on behalf of all other similarly situated employees

**SUPERIOR COURT OF STATE OF CALIFORNIA
FOR THE COUNTY ORANGE-CIVIL COMPLEX CENTER**

CELIA MARTINEZ, as an individual and on
behalf of other similarly situated employees,

Plaintiff,

vs.

WATERMARK SERVICES, IV, LLC., a
California corporation, WATERMARK
RETIREMENT COMMUNITIES, INC. a
California corporation, and DOES 1-50,
inclusive,

Defendants.

CASE NO.:30-2021-01204252-CU-OE-CXC

Assigned for all purposes to:
Hon. Peter Wilson
Dept. CX 102

**[PROPOSED] ORDER GRANTING
MARTINEZ PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: September 1, 2022
Time: 2:00 p.m.
Place: Department CX 102

Case filed: January 27, 2020
Trial date: TBD

**[PROPOSED] ORDER GRANTING MARTINEZ PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

1 THIS MATTER having been brought before the Court on behalf of Plaintiff Celia
2 Martinez (referred to herein as “Plaintiff”), through his attorneys, pursuant to California Rule of
3 Court 3.769 and other applicable rules and laws, to request an order granting preliminary
4 approval of a class action settlement and directing the dissemination of notice to the class (the
5 “Order”); the Court having reviewed the Plaintiff’s submissions, having held a hearing on
6 September 1, 2022, and having found that Plaintiff is entitled to the relief sought, and for good
7 cause shown:

8 IT IS HEREBY ORDERED that Plaintiff’s motion is GRANTED, and it is further
9 ORDERED as follows:

10 1. This proposed fully executed Stipulation of Class Action Settlement (“Settlement
11 Agreement” or “Agreement”), submitted with the motion and filed with the Court, is
12 preliminarily approved as being within the range of potential final approval.¹

13 2. Based upon the submission to the Court and attachments and exhibits thereto, the
14 Court conditionally makes the following findings solely for settlement purposes only, subject to
15 final approval at the Final Approval Hearing:

- 16
- 17 a. The Class Members are so numerous as to make joinder impracticable;
 - 18 b. There are questions of law and fact common to the Class Members, and such
19 questions predominate over any questions affecting only individual Class
20 Members;
 - 21 c. Named Plaintiff’s claims and the defenses thereto are typical of the claims of
22 the Class Members and the defenses thereto;
 - 23 d. Named Plaintiff’s and Class Counsel can protect and have fairly and
24 adequately protected the interest of the Class members in the lawsuit; and
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27 ¹ Unless otherwise specified, all defined terms in this Order have the same meaning as the meaning described in the Settlement
28 Agreement, and those terms are incorporated here by this reference. To the extent there is any conflict between the definitions of those terms, the
definitions in the Settlement Agreement will control.

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1 e. A class action is superior to all other available methods for fairly and
2 efficiently resolving the claims in connection to this lawsuit and provides
3 substantial benefits to the Class Members.

4 3. Accordingly, solely for purposes of this settlement only, the Court preliminarily
5 approves the Named Plaintiff as representative of the Class Members, and conditionally certifies
6 a settlement class defined as follows:

7
8 Nonexempt Class: All current and former non-exempt employees who or or were
9 employed by Defendants in California at any time during the class period [June 4,
10 2017, through June 17, 2022].

11 4. This matter is conditionally certified as a class action for settlement purposes only
12 under California Code of Civil Procedure Section 382 and California Rules of Court, Chapter 6,
13 Rules 3.767 *et seq.*, and/or other laws as applicable. If the settlement does not receive final
14 approval, Defendants retain the right to assert that this action may not be certified as a class
15 action for liability purposes.

16 5. Solely for purposes of implementing the Settlement Agreement and for purposes of
17 this settlement, the Court preliminarily appoints as Class Counsel Jackson Law, APC.

18 6. The Court finds that the Settlement Agreement falls within the range of possible
19 approval such that it warrants notice thereto and further orders notice of the settlement to be
20 disseminated to the Class Members in the manner set forth herein and in the Settlement
21 Agreement.

22 7. A final hearing (the “Final Approval Hearing”) shall be held before this Court on
23 _____ at _____ to determine whether: (a) the Court should finally approve the
24 Settlement Agreement and determine that the terms contained therein are fair, reasonable,
25 adequate, and in the best interests of the Class Members, (b) the Court should enter final
26 judgment dismissing with prejudice the operative Complaint in this lawsuit, (c) to approve the
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1 application for the Attorneys' Fee Award to Class Counsel and Named Plaintiffs' Incentive
2 Awards in a manner consistent with the Settlement Agreement. The Final Approval Hearing may
3 be postponed, adjourned or continued by further order of this Court, without further notice to the
4 Class Members.

5 8. At the Final Approval Hearing, the Court will consider and determine whether the
6 Settlement Agreement should be finally approved as fair, adequate and reasonable in light of any
7 timely valid objections presented by the Class Members and the parties' responses to any such
8 objections that have been submitted to the Court in accordance with the provisions set forth
9 below.

10 9. The Court hereby approves the appointment of ILYM, Group Inc. ("Claims
11 Administrator") as the Claims Administrator for the purposes of disseminating the Class Notice
12 and Exclusion Form attached to the settlement agreement, which are hereby approved, and for
13 purposes of administering the terms of the settlement as set forth in the Settlement Agreement.
14 The Claims Administrator shall perform its duties consistent with the provisions contained
15 within the Settlement Agreement.

16 10. Any Class Member may object to the fairness, reasonableness or adequacy of the
17 proposed settlement. To assert a valid and timely objection to the Settlement, a Class Member
18 may file an objection with the Court either in writing or at the time of the hearing or appear at the
19 hearing and object at that time.

20 11. The Court finds that the manner of dissemination and content of the Class Notice
21 specified in detail in the Settlement Agreement (i) is the best notice practicable, (ii) is reasonably
22 calculated, under the circumstances, to apprise Class Members of the pendency of the lawsuit
23 and of their right to object to or to exclude themselves from the proposed settlement, (iii) is
24 reasonable and constitutes due, adequate and sufficient notice to all persons entitled to receive
25 notice, and (iv) meets all applicable requirements of applicable law.

26 12. Class Counsel shall file and serve papers in support of final approval of the
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28

**[PROPOSED] ORDER GRANTING MARTINEZ PLAINTIFFS' MOTION FOR
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1 Settlement no later than sixteen (16) court days in advance of the Final Approval Hearing.

2 13. The Claims Administrator is hereby ordered no later than twenty-one (21) calendar
3 days before the Final Approval Hearing to file an affidavit attesting completeness and accuracy
4 of the proof of mailing of the Class Notice, Claim Form and Exclusion Form to the Class
5 Members.

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7 Dated:

JUDGE OF THE SUPERIOR COURT

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9 By: _____
10 The Honorable Judge Peter Wilson
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