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8

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

12 KAYLA WEINREICH, individually and
on behalf of all similarly situated
13 individuals,

14 Plaintiff,

15 v.

16 4LEAF, INC., a California corporation, and
DOES 1 through 10, inclusive,

17 Defendants.
18
19
20

CASE NO: 21CV01146

*Assigned to the Honorable Stephen E. Benson,
Dept. 6*

CLASS ACTION

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

DATE: November 30, 2022

TIME: 9:00 a.m.

DEPT.: 6

Action Filed: May 6, 2021

1 Plaintiff Kayla Weinreich's Unopposed Motion for Preliminary Approval of Class Action
2 Settlement came on for hearing before this Court in Department 6, Judge Stephen E. Benson
3 presiding, on November 30, 2022. The Court, having considered the papers submitted in support
4 of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE**
5 **FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Stipulation of Settlement of Class Action and PAGA Claims and Release of Claims
8 ("Settlement") filed with the Court. The settlement appears to be fair, adequate, and reasonable to
9 the Class;

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

13 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
14 Class Action Settlement and Final Hearing ("Notice") and the Request for Exclusion Form
15 ("Exclusion Form"), attached to the Settlement as Exhibit A, and also approves the procedure for
16 members of the Class to object to the settlement set forth in the Notice;

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

22 5. It is ordered that the Settlement Class is preliminarily certified for settlement
23 purposes only. The Settlement Class is defined as follows: all employees who are or previously
24 were employed by Defendant in California and who were classified as non-exempt employees
25 during the Class Period [May 4, 2017 to October 17, 2022];

26 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
27 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
28 of up to 35% of the Gross Settlement Amount (or \$175,000) and documented litigation costs of up

1 to \$12,000 to Class Counsel, subject to final approval by the Court following a further motion by
2 Class Counsel;

3 7. The Court approves and appoints Plaintiff Kayla Weinreich as the Class
4 Representative and grants preliminary approval to a proposed Class Representative Enhancement
5 Payment in an amount not to exceed \$12,000;

6 8. The Court grants preliminary approval of the allocation of \$20,000 to penalties
7 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$15,000)
8 shall be paid to the LWDA and 25% (\$5,000) will be distributed to the PAGA Members;

9 9. The Court hereby approves and appoints ILYM Group, Inc. as the Settlement
10 Administrator and grants preliminary approval of the payment of fees and other charges of the
11 Settlement Administrator in an amount not to exceed \$20,000;

12 10. The Court reserves the right to adjourn or continue the date of the Final Approval
13 Hearing and all dates provided for in the Settlement Agreement without further notice to the Class
14 and retains jurisdiction to consider all further applications arising out of or connected with the
15 Settlement Agreement.

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including each Class Member's full name; last known address; Social Security Number; and start dates and end dates of employment or such other data that will permit the Settlement Administrator to fulfill its duties under this Agreement and calculate the Payment Ratio and PAGA Payment Ratio (the "Class Data")	15 business days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Exclusion Form to Class Members	15 calendar days after Settlement Administrator's receipt of Class Data
Last day for Class Members to submit a written request for exclusion to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit an Objection to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members

<u>EVENT</u>	<u>TIMING</u>
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
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	10 calendar days before the final settlement approval hearing date
Final settlement approval hearing	_____, 2023, at _____.m. (approximately 105 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT