

FILED
San Francisco County Superior Court



JAN 06 2023

SUPERIOR COURT OF CALIFORNIA

CLERK OF THE COURT

BY:

Christina Chen

Deputy Clerk

COUNTY OF SAN FRANCISCO

DEPARTMENT 304

SHULIN CHEN, individually and on
behalf of all others similarly situated, and
as a proxy of the State of California on
behalf of aggrieved employees,

Plaintiffs,

v.

LIVERAMP HOLDINGS, INC.,

Defendants.

CASE NO. CGC-21-595838

ORDER GRANTING PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

The Court issued a tentative ruling granting Plaintiff's Motion for Preliminary Approval of Class Action Settlement. The parties submitted on the tentative ruling. The Court has considered the revised Stipulation of Class Action and PAGA Settlement, submitted on December 15, 2022, the revised proposed Class Notice, submitted on January 5, 2023, the original and supplemental briefing submitted in support of the motion, and the other declarations and documents submitted in support of the motion. The matter having been submitted and good cause appearing therefore, the Court finds:

1. All defined terms contained herein shall have the same meanings as set forth in the Stipulation of Class Action and PAGA Settlement;¹

2. The Class Representative and Defendant, through their counsel of record in the Action, have reached an agreement to settle all claims in the Action, and the Court has jurisdiction over the Class Representative, all Members of the Class, the PAGA Employees, and the Defendant;

¹ The operative Settlement Agreement is attached as Exhibit 1B to the December 15, 2022 Second Supplemental Declaration of Joshua Konecky.

1 3. The Court conditionally finds that, for the purposes of approving this settlement only,
2 the proposed Class meets the requirements for certification under Section 382 of the California Code
3 of Civil Procedure: (a) the proposed Class is ascertainable and so numerous that joinder of all members
4 of the class is impracticable; (b) there is a well-defined community of interest among members of the
5 proposed Class with respect to the subject matter of the Action, including (1) common questions of
6 law or fact that predominate over individual questions, (2) the claims of the Class Representative are
7 typical of the claims of the members of the proposed Class; (3) the Class Representative has and will
8 fairly and adequately protect the interests of the Members of the Class; and (4) the counsel of record
9 for the Class Representative are qualified to represent the interests of the Class;

10 4. The Stipulation of Class Action and PAGA Settlement appears to be the product of
11 good-faith and arm's-length negotiation between the parties, who were represented by informed
12 counsel who fairly represented the interests of their respective clients. The Court further finds that the
13 terms of the Settlement are within the range of reasonableness and that the Settlement meets the
14 requirements for preliminary approval; and

15 5. The Parties also have presented to the Court for review a plan to provide Notice to the
16 proposed Class and PAGA Employees of the terms of the Settlement and the options facing the Class
17 including, *inter alia*: to be represented by class counsel or counsel of their choosing, to object to the
18 Settlement, to opt-out of the Settlement, and to dispute Defendant's records pertaining to their
19 employment. The Notice plan set forth in the Settlement is the best practical under the circumstances
20 and satisfies the requirements for adequate notice and for due process. The Court approves the Notice,
21 attached as Exhibit B to the January 5, 2023 Declaration of Joshua Konecky.

22 Good cause appearing therefor, IT IS HEREBY ORDERED that:

23 1. The Stipulation of Class Action and PAGA Settlement is preliminarily approved and
24 the Class is provisionally certified under California Rule of Court 3.769(d);

25 2. The Court appoints CPT Group Class Action Administrators as the Settlement
26 Administrator;

27 3. Plaintiff Shulin Chen is preliminarily appointed as the Class Representative.

28 4. Jeremy Pasternak and Joshua Konecky are preliminarily appointed as Class Counsel.

1. 5. Within ten (10) business days of the effective date of this order, Defendant will
2 provide the Class List to the Settlement Administrator pursuant to Paragraphs 10 and 47 of the
3 Stipulation of Class Action and PAGA Settlement;

4 6. Within ten (10) business days after receiving the Class List from Defendant, the
5 Settlement Administrator will send the Class Notice to all Class Members via regular First-Class U.S.
6 Mail using the most current known mailing addresses identified on the Class List (as updated by a
7 National Change of Address Database search) and, for Class Members whose email address is
8 included on the Class List, by email as well, pursuant to Paragraph 48 of the Settlement Agreement.
9 The Settlement Administrator will re-send any returned Class Notices to any forwarding address
10 affixed thereto and, if no forwarding address is provided, the Settlement Administrator will attempt to
11 determine the correct address using a skip-trace or other search, and thereafter perform a remailing
12 pursuant to the terms and time requirements set forth in Paragraph 49 of the Settlement Agreement;

13 7. Any Class Members wishing to exclude themselves (opt out) of the class action
14 portion of the Settlement may do so by mailing or emailing a written Request for Exclusion to the
15 Settlement Administrator, pursuant to the procedures set forth in Paragraph 52 of the Stipulation of
16 Class Action and PAGA Settlement, no later than 45 calendar days from the initial mailing of the
17 Class Notice by the Settlement Administrator, unless the 45th day falls on a Sunday or Federal
18 holiday, in which case the Response Deadline will be extended to the next day on which the U.S.
19 Postal Service is open. Class Members may not opt out of the PAGA portion of the Settlement.

20 8. Any Settlement Class Members wishing to object to the Settlement may do so by
21 mailing or emailing a written Objection to the Settlement Administrator, pursuant to the procedures
22 set forth in Paragraph 56 of the Stipulation of Class Action and PAGA Settlement, no later than 45
23 calendar days from the initial mailing of the Class Notice by the Settlement Administrator, unless the
24 45th day falls on a Sunday or Federal holiday, in which case the Response Deadline will be extended
25 to the next day on which the U.S. Postal Service is open. The Court may also at its discretion permit
26 Settlement Class Members to object by appearing at the Final Approval Hearing, regardless of
27 whether they submitted a written Objection. Only those Settlement Class Members who do not
28 submit a Request for Exclusion may object to the Settlement.

1 9. Pursuant to California Labor Code section 2699(1)(3), Class Counsel shall provide a
2 copy of this Order to the Labor and Workforce Development Agency within ten (10) calendar days
3 after entry.

4 10. The Court will hold a Final Approval Hearing in Department 304 of the San
5 Francisco Superior Court, located at 400 McAllister Street, San Francisco, California 94102, on April
6 14, 2023, at 1:30 p.m., to determine whether the Settlement should be finally approved as fair,
7 reasonable, and adequate. The Court also will consider Plaintiff's motion for reasonable attorneys'
8 fees and costs, Plaintiff's motion for a service award, and the Settlement Administration Costs to the
9 Settlement Administrator. Class Members who timely object to the Settlement shall receive notice of
10 a continued final approval hearing date.

11 11. The deadline for Plaintiff to file her motion for reasonable attorneys' fees and costs
12 and her motion for a service award is March 23, 2023.

13 12. The deadline for Plaintiff to file her motion for final approval of the Stipulation of
14 Class Action and PAGA Settlement and to respond to any objections shall be March 23, 2023.

15
16 IT IS SO ORDERED.

17
18 Dated: January 6, 2023

19 By:


THE HONORABLE ETHAN P. SCHULMAN
Judge, Superior Court

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On January 6, 2023, I electronically served ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: JAN 06 2023

Mark Culkins, Interim Chief Executive Officer of the
Court

By: 
Felicia Green, Deputy Clerk