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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DANGELO RANDLE-TATUM an
individual, on behalf of himself and others
similarly situated

PLAINTIFF,

v.

HOPDODDY BURGER BAR, INC.; and
DOES 1 thru 50, inclusive,

DEFENDANTS.

CASE NO. 21STCV21015

[Case Assigned for All Purposes to the Hon.
Yvette M. Palazuelos in Dept. 9]

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

Date: October 19, 2022
Time: 10:00 a.m.
Dept.: 9

Complaint Filed: June 4, 2021
SAC Filed: May 31, 2022
Trial Date: None Scheduled

1 The Motion for Preliminary Approval of the Joint Stipulation of Class and Representative
2 Action Settlement and Release of Claims (“Settlement Agreement”), a copy of which is attached
3 to the concurrently-filed Declaration of Kelsey M. Szamet in Support of Plaintiff’s Motion for
4 Preliminary Approval of Class Settlement as Exhibit “1”, came before this Court on October 19,
5 2022. The Court, having considered the papers submitted in support of the motion of the parties,
6 **HEREBY ORDERS THE FOLLOWING:**

7 1. The Court grants preliminary approval of the Settlement Agreement and the
8 Settlement Class¹ based upon the terms set forth in the Settlement Agreement filed herewith. The
9 Settlement is fair, adequate, and reasonable to the Settlement Class. The Court finds that: (a) the
10 Settlement Agreement resulted from extensive arm’s length negotiations; and (b) the Settlement
11 Agreement is sufficient to warrant notice of the Settlement to persons in the Settlement Class
12 and a full hearing on the final approval of the Settlement.

13 2. “Class Member(s)” or “Settlement Class” means all current and former non-
14 exempt employees who were employed by Defendant in California at any time from June 4, 2017
15 through May 8, 2022.

16 3. “PAGA Member(s)” or “PAGA Settlement Class” means all current and former
17 non-exempt employees who were employed by Defendant in California at any time from June 4,
18 2020 through May 8, 2022.

19 4. The Settlement falls within the range of reasonableness and appears to be
20 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
21 and final approval by this Court.

22 5. The Court makes the following preliminary findings for settlement purposes
23 only:

24 A. The Settlement Class, which consists of approximately 734 persons, is so
numerous that joinder of all members is impracticable;

25 B. There appear to be questions of law or fact common to the Settlement
26 Class for purposes of determining whether this Settlement should be
approved;

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28 ¹ All capitalized terms herein shall have the meaning ascribed to them in the Settlement
Agreement unless otherwise defined.

1 C. Plaintiff's claims appear to be typical of the claims being resolved through
the proposed settlement;

2 D. Plaintiff appears to be capable of fairly and adequately protecting the
3 interests of the Class Members in connection with the proposed settlement;

4 E. Common questions of law and fact appear to predominate over questions
affecting only individual persons in the Settlement Class. Accordingly,
5 the Settlement Class appears to be sufficiently cohesive to warrant
settlement by representation; and

6 F. Certification of the Settlement Class appears to be superior to other
7 available methods for the fair and efficient resolution of the claims of the
Settlement Class.

8 6. The Court approves, as to form and content, the Notice of Class Action Settlement
9 in substantially the form attached to the Settlement Agreement as Exhibit A.

10 7. The Court approves the procedure for Class Members to object to the Settlement as
11 set forth in the Notice of Class Action Settlement.

12 8. The Court approves the procedure for Class Members to become Participating Class
13 Members as set forth in the Notice of Class Action Settlement to Class Members.

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

20 10. The Court confirms Kingsley & Kingsley, APC and Davtyan Law Firm, Inc. as
21 Class Counsel.

22 11. The Court confirms DANGELO RANDLE-TATUM as the Named Plaintiff.

23 12. The Court approves ILYM Group, Inc. as the Settlement Administrator.

24 13. The Court orders that pursuant to the Labor Code Private Attorneys General Act,
25 Labor Code §§ 2698, et seq. ("PAGA"), statutory notice of this Settlement has been and will
26 continue to be given to the Labor & Workforce Development Agency.

27 14. The Court orders the following Implementation Schedule for further proceedings:

28 ///

a.	Preliminary Approval	October 19, 2022
b.	Deadline for Defendant to Provide Class Data to Settlement Administrator.	20 business days from Preliminary Approval
c.	Mail Notice to Class Members	15 calendar days from Settlement Administrator's receipt of Class Data
d.	Deadline for Class Members to Postmark Claims Form	60 calendar days from mailing of Notice Packet (judged by postmark date)
e.	Deadline for Class Members to Postmark Any Objection	60 calendar days from mailing of Notice Packet (judged by postmark date)
f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court _____
g.	Deadline for Class Counsel to file Motion for Class Counsel Award	To be determined by the Court _____
h.	Final Approval Hearing	To be determined by the Court _____

15. IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the Settlement Agreement, does not occur for any reason, the Settlement Agreement and the proposed Settlement that is the subject of this Order shall become null, void, unenforceable and inadmissible in any judicial, administrative or arbitral proceeding for any purpose, and all evidence, court orders and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the Settlement Agreement.

16. IT IS FURTHER ORDERED that, pending further Order of this Court, all proceedings in this matter except those contemplated herein and in the Settlement Agreement are

1 hereby stayed.

2 17. The Court expressly reserves the right to adjourn or continue the Final Fairness
3 Hearing from time to time without further notice to members of the Settlement Class.
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5 **DATED:** _____

6 **JUDGE OF THE SUPERIOR COURT**
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(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On July 13, 2022, I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Janet Grumer Evelyn Wang Tiffanie de la Riva jgrumer@dwt.com evelynwang@dwt.com tiffaniedelariva@dwt.com Davis Wright Tremaine LLP 865 South Figueroa Street, 24th Floor Los Angeles, CA 90017-2566	Emil Davtyan emil@davtyanlaw.com Davtyan Law Firm, Inc. 880 E. Broadway Glendale, CA 91205
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[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION) I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 13, 2022, at Encino, California.



Michelle Tanzer