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

OSMAN VENTURA, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

KAY & JAMES, INC., a California
corporation, dba J & S MACHINE WORKS;
and DOES 1 through 100,

Defendants.

Case No. 19STCV25743

*[Assigned for all purposes to the
Hon. Stuart M. Rice, Dept. SSC-1]*

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

Date: January 9, 2023
Time: 10:30 a.m.
Dept.: SSC-1

Action Filed: July 24, 2019
Trial Date: None Set

1 The Motion of Osman Ventura (“Plaintiff”) for Preliminary Approval of Class Action
2 Settlement (the “Motion”) came on regularly for hearing before this Court on January 9, 2023, at
3 10:30 a.m. The Court, having considered the proposed Stipulation of Settlement (the
4 “Settlement”), attached as Exhibit 1 to the Declaration of Paul K. Haines filed concurrently with
5 the Motion; having considered the Motion, Memorandum of Points and Authorities in support
6 thereof, and supporting declarations filed therewith, and any argument presented at the hearing
7 on the Motion; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement between
9 Plaintiff and Defendant Kay & James, Inc., dba J&S Machine Works (“Defendant” or “Kay &
10 James”) as set forth in the Settlement and finds its terms to be within the range of reasonableness
11 of a settlement that ultimately could be granted final approval by the Court at a Final Approval
12 Hearing. For purposes of the Settlement only, the Court finds that the proposed Settlement Class
13 is ascertainable and that there is a sufficiently well-defined community of interest among the
14 members of the Settlement Class in questions of law and fact. Therefore, for settlement purposes
15 only, the Court grants conditional certification of the following Settlement Class:

16 All current and former non-exempt employees who worked for Kay
17 & James in California from July 24, 2015 through July 16, 2022 (the
“Class Period”).

18 2. For purposes of the Settlement, the Court designates Plaintiff as the Class
19 Representative, and designates Paul K. Haines and Sean M. Blakely of Haines Law Group, APC
20 as Class Counsel.

21 3. The Court designates Phoenix Settlement Administrators as the third-party
22 Settlement Administrator for mailing notices.

23 4. The Court approves, as to form and content, the Notice of Pendency of Class
24 Action and Proposed Settlement (“Class Notice”) and the Notice of Estimated Individual
25 Settlement Payment, attached as Exhibits A, and B, respectively, to the Settlement (collectively,
26 the “Notice Packet”).

27 5. The Court finds that the proposed form of notice to the Settlement Class members
28

1 regarding the pendency of this litigation and of the Settlement, and the methods of giving notice
2 to Settlement Class members, constitute the best notice practicable under the circumstances, and
3 constitute valid, due, and sufficient notice to all Settlement Class members. The proposed form
4 and method of giving notice complies fully with the requirements of California Code of Civil
5 Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and
6 3.769, the California and United States Constitutions, and other applicable law.

7 6. The Court further approves the procedures for Settlement Class members to opt
8 out of or object to the Settlement, as set forth in the Notice.

9 7. The procedures and requirements for filing objections in connection with the Final
10 Approval Hearing are intended to ensure the efficient administration of justice and the orderly
11 presentation of any Settlement Class member's objection to the Settlement, in accordance with
12 the due process rights of all Settlement Class members.

13 8. The Court directs the Settlement Administrator to mail the Notice Packet to the
14 Settlement Class members in accordance with the terms of the Settlement.

15 9. The Notice shall provide at least sixty (60) calendar days' notice for Settlement
16 Class members to opt out of, or object to, the Settlement.

17 10. The Final Approval Hearing on the question of whether the Settlement should be
18 finally approved is scheduled in Department SSC-1 of this Court, located at 312 N. Spring Street,
19 Los Angeles, California 90012 on _____, 2023 at _____ a.m. / p.m.

20 11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
21 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
22 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's
23 application for reasonable attorneys' fees, reimbursement of litigation expenses, payment to the
24 LWDA, enhancement payment to Plaintiff, and settlement administration costs should be granted.

25 12. Counsel for the parties shall file memoranda, declarations, or other statements and
26 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
27 expenses, Plaintiff's enhancement payment, and settlement administration costs prior to the Final
28 Approval Hearing according to the time limits set by the Code of Civil Procedure and the

California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator no later than [30 days after preliminary approval]:	February 8, 2023
Settlement Administrator to mail Notice Packets to Settlement Class members no later than [10 business days after receiving Class Data]:	February 22, 2023
Deadline for Settlement Class members to mail opt outs, objections, or disputes to the Settlement Administrator [60 days after mailing of Notice Packets]:	April 24, 2023
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	May 19, 2023
Final Approval Hearing	_____, 2023

14. Pending the Final Approval Hearing, all proceedings in this litigation, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: _____, 2023

Honorable Stuart M. Rice
Judge of the Superior Court