

1 Joseph Lavi, Esq. (SBN 209776)
2 Vincent C. Granberry, Esq. (SBN 276483)
3 William Tran, Esq. (SBN 335908)
4 **LAVI & EBRAHIMIAN, LLP**
5 8889 W. Olympic Blvd., Suite 200
6 Beverly Hills, California 90211
7 Telephone: (310) 432-0000
8 Facsimile: (310) 432-0001
9 Emails: jlavi@lelawfirm.com
10 vgranberry@lelawfirm.com
11 wtran@lelawfirm.com
12 wht1@lelawfirm.com

13 Attorneys for Plaintiff HUGO TECUN,
14 on behalf of himself and others similarly situated

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

17 HUGO TECUN, on behalf of himself and others
18 similarly situated,

19 **PLAINTIFFS,**

20 vs.

21 **ALERT PLATING COMPANY; and DOES 1 to**
22 **100, inclusive,**

23 **DEFENDANTS.**

Case No.: 21STCV33421
[Related and Consolidated Case No.:
21STCV42052]

CLASS/PAGA ACTION

*[Assigned for all purposes to the Honorable
Kenneth R. Freeman, Dept, 14]*

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

Hearing Information:

Date: November 7, 2023

Time: 11:00 a.m.

Dept.: SSC14

FILED
Superior Court of California
County of Los Angeles
12/18/2023

David W. Slayton, Executive Officer / Clerk of Court

By: I. Arellanes Deputy

1 The Motion for Preliminary Approval of Class Action Settlement came before this Court on
2 November 7, 2023 at 11:00 a.m. in Department SSC14 of Los Angeles County Superior Court
3 located at 312 North Spring Street, Los Angeles, California 90012. The Court, having considered
4 the Class Action and PAGA Settlement Agreement entered into by and between Plaintiff Hugo
5 Tecun (“Plaintiff”) and Defendant Alert Plating Company (“Defendant”) (collectively, the
6 “Parties”) attached as **Exhibit 1** to the Declaration of William Tran in Support of Plaintiff’s Further
7 Supplemental Declaration in Support of Plaintiff’s Motion for Preliminary Approval of Class
8 Action Settlement, and the Exhibits attached thereto (hereafter collectively, the “Stipulation”,
9 “Settlement”, or “Settlement Agreement”); having considered the Motion for Preliminary Approval
10 of Class Action Settlement filed by the parties; having considered the respective points and
11 authorities and declarations submitted by the parties in support thereof; and good cause appearing,
12 **HEREBY ORDERS THE FOLLOWING:**

13 The Court grants preliminary approval of the settlement as set forth in the Class Action and
14 PAGA Settlement Agreement and finds the terms to be within the range of reasonableness of a
15 settlement that ultimately could be granted approval by the Court at the final Fairness Hearing. For
16 purposes of the settlement, the Court finds that the proposed settlement class is ascertainable and
17 that there is a sufficiently well-defined community of interest among the Settlement Class in
18 questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional
19 certification of the following “Settlement Class” defined as follows:

20 any and all current and former hourly non-exempt employees of
21 Defendants in California during the time period from and including
22 September 10, 2017 through November 10, 2022.

23 1. For purposes of the settlement, the Court further designates named Plaintiff Hugo
24 Tecun as Class Representatives, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., and William
25 Tran, Esq. of Lavi & Ebrahimian, LLP as Class Counsel.

26 2. The Court confirms Simpluris as the Settlement Administrator.

27 3. A final fairness hearing on the question of whether the proposed settlement should
28 be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is
scheduled in Department 14 of this Court, located at 312 North Spring Street, Los Angeles,

1 California 90012, on June 11, 2024, at 10:00 a.m.

2 4. At the final fairness hearing, the Court will consider: (a) whether the settlement
3 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
4 approval of the settlement should be entered; and (c) whether Plaintiffs' application for an award of
5 attorneys' fees, reimbursement of litigation expenses, and service payments should be granted.

6 5. Counsel for the parties shall file memoranda, declarations, or other statements and
7 materials in support of their request for final approval by no later than 16 court days prior the final
8 fairness hearing.

9 6. Class Counsel shall file a motion for an award of attorneys' fees, reimbursement of
10 litigation expenses and class representative enhancement by no later than 16 court days prior to
11 the final fairness hearing.

12 7. The Court approves, as to form and content, the Notice of Class Action Settlement
13 ("Class Notice") which is attached to the Settlement Agreement as **Exhibit A.**

14 8. Within fifteen (15) calendar days of the entry of this Order, Defendants will provide
15 the name, last known address, and Social Security number of each Settlement Class Member, along
16 their dates of employment and any other information needed to calculate Individual Settlement
17 Payments and Individual PAGA Payments ("Class Data").

18 9. The Court directs the mailing of the Class Notice by first class mail to the members
19 of the Settlement Class within fifteen (15) calendar days of receipt of the Class Data.

20 10. The proposed members of the Settlement Class shall have sixty (60) calendar days
21 after the initial mailing of the Class Notice to submit an objection or a written request to be
22 excluded ("Response Deadline"). In the event that a Class Notice is re-mailed to a corrected
23 address, the Settlement Class Members will have until the Response Deadline or ten (10) calendar
24 days after the postmark on the re-mailed Class Notice, whichever is later, to return an objection or
25 Request for Exclusion.

26 11. The Court finds that the form of Class Notice to the Settlement Class regarding the
27 pendency of the action and of this settlement, and the methods of giving notice to members of the
28 Settlement Class constitute the best notice practicable under the circumstances and constitute

1 valid, due, and sufficient notice to all members of the Settlement Class. They comply fully with
2 the requirements of California Code of Civil Procedure section 382, California Civil Code section
3 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
4 and other applicable law.

5 12. The Court further approves the procedures for Settlement Class Members to
6 participate in, opt out of, or object to the Settlement, as set forth in the Stipulation and Class
7 Notice.

8 13. Any Participating Class Member who wishes to object to the Settlement in writing
9 must submit to the Settlement Administrator a signed writing which shall: (1) contain the name,
10 address, and the last four digits of the Social Security number of the person objecting; (2) be signed
11 by the Participating Class Member; (3) state the grounds on which the Participating Class Member
12 is objecting as well as any documents or evidence supporting his or her objection(s); and (4) be
13 postmarked or fax stamped by the Response Deadline and returned to the Settlement Administrator
14 at the specified address or fax telephone number stated in the Class Notice. Participating Class
15 Members may also appear at the Final Approval hearing and present their objections orally for the
16 Court.

17 14. Settlement Class Members who wish to exclude themselves (opt-out of) the Class
18 Settlement must send the Administrator, by fax, email, or mail, a signed written Request for
19 Exclusion not later than 45 days after the Administrator mails the Class Notice (plus an additional
20 ten (10) days for Class Members whose Class Notice is re-mailed). A Request for Exclusion shall:
21 (1) reasonably communicate that the Class Member elects to be excluded from the Settlement; (2)
22 include the Class Member's name, address and email address or telephone number; (3) be signed
23 by the Class Member. To be valid, a Request for Exclusion must be timely faxed, emailed, or
24 postmarked by the Response Deadline. Any Settlement Class Member who returns a timely,
25 valid, and signed request to exclude themselves from the Settlement will not participate in or be
26 bound by the Settlement and subsequent judgment and will not receive an Individual Settlement
27 Payment. Settlement Class Members who exclude themselves from the Settlement will still
28 receive their Individual PAGA Payment if they are a PAGA Employee.

1 15. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
2 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
3 Order, are stayed.

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

7 17. The Court orders the following Implementation Schedule for further proceedings:

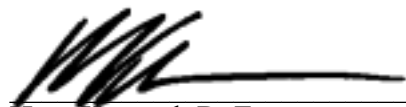
Event	Timing
Data: last day for Defendant to provide the Class Data to the Settlement Administrator.	15 calendar days after entry of this Order
Notice Date: last day for Settlement Administrator to mail Class Notice to Class Members.	15 calendar days after receipt Class Data
Response Deadline: (i) last day for class members to submit exclusion requests; and (ii) last day for Participating Class Members to submit objections.	45 calendar days after the postmark on the Class Notice or 15 days after the re-mailing, whichever is later
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 court days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	June 11, 2024 at 10:00 A.M.

18 18. The Fairness Hearing and related prior deadlines set forth above may, from time to
19 time and without further notice to the Settlement Class (except those who have filed timely and
20 valid objections), be continued or adjourned by Order of the Court.
21

22 **IT IS SO ORDERED.**

23
24 Dated: 12/18/2023



25 
26 Hon. Kenneth R. Freeman
27 Judge of the Superior Court
28 Kenneth R. Freeman/Judge