

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

KASHU XOLA, Individually, and on behalf
of other members of the general public
similarly situated

Plaintiff

v.

FULL PACKAGE DELIVERY, LLC, a
California Limited Liability Company;
AMAZON LOGISTICS, INC., a Delaware
Corporation; and DOES 1-10, inclusive,

Defendants

CASE NO. 37-2022-00006720-CU-OE-CTL

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: February 24, 2023
Time: 9:00 a.m.
Dept.: C-60
Judge: Hon. Matthew C. Braner

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Plaintiff KASHU XOLA's Unopposed Motion for Conditional Certification of Settlement
3 Class and Preliminary Approval of Class Action Settlement, in the above-captioned matter, came on
4 for hearing before this Court on February 24, 2023 at 9:00 a.m. Sullivan & Yaeckel Law Group, APC
5 appeared on behalf of Plaintiff and the Class; Wilson Turner Kosmo appeared on behalf of Defendant
6 AMAZON LOGISTICS, INC. and Solomon Ward Seidenwurm & Smith appeared on behalf of
7 Defendant FULL PACKAGE DELIVERY, LLC. On good cause shown, and pursuant to the authority
8 of California statutory and case law, this Court finds that the settlement between Plaintiff and
9 Defendant was made in good faith pursuant to California Rules of Court, rules 3.769 and 3.770.
10 Accordingly, this Court rules as follows:

11 **IT IS HEREBY ORDERED THAT:**

- 12 1. Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is hereby
13 granted and the Settlement set forth in the Joint Stipulation of Class and PAGA Action
14 Settlement and Release ("Joint Stipulation") is preliminarily approved.¹
- 15 2. Specifically, the Court orders as follows:
 - 16 a. For purposes of settlement only, the following Settlement Class is conditionally
17 certified:
18 All individuals who previously were employed by Defendant Full Package Delivery,
19 LLC in California as non-exempt employees at any time during the period of February
20 22, 2018 to the date of this order and who have not previously released their claims
21 against Defendants.
 - 22 b. Plaintiff Kashu Xola is appointed as Class Representative.
 - 23 c. The law firm of Sullivan & Yaeckel Law Group, APC, is appointed as Class Counsel
24 for the Settlement Class.

25
26
27 ¹ This order incorporates by reference the definitions in the Joint Stipulation and the terms used
28 herein shall have the same meaning as set forth in the Joint Stipulation.

- 1 d. The proposed Notice of Class Action Settlement, attached as Exhibit A to the Joint
2 Stipulation, is approved as to form and content as is the procedure for Participating
3 Class Members to object to the Joint Stipulation and for Settlement Class Members to
4 request exclusion from the Settlement.
- 5 e. Settlement Class Members who have not requested exclusion by submitting a valid and
6 timely written Request for Exclusion in accordance with the instructions set forth in the
7 Joint Stipulation shall be bound by all determinations of the Court, the Joint
8 Stipulation, including the Releases therein, and any Final Approval Order and
9 Judgment entered by the Court.
- 10 f. Participating Class Members who fail to submit a timely Notice of Objection as
11 provided for in the Joint Stipulation shall be deemed to have waived any objections and
12 shall be foreclosed from making any objection (whether by appeal or otherwise) to the
13 Joint Stipulation and all be bound by the Joint Stipulation if finally approved.
- 14 g. CAC Services, LLC (“CAC”) is appointed to act as the Settlement Administrator. CAC
15 is directed to issue—via first-class United States mail—the Notice of Proposed Class
16 Action Settlement to the Settlement Class Members, as provided in the Joint
17 Stipulation.
- 18 h. The Settlement set forth in the Joint Stipulation is preliminarily approved subject only
19 to the objections of Participating Class Members and final review by the Court.
- 20 3. The Court will hold a hearing on Plaintiffs’ forthcoming motions for: **(1)** Final Approval of the
21 Settlement; **(2)** a Class Representative Enhancement Payment; and **(3)** Attorneys’ Fees and
22 Costs, on _____, 2023 at 9:00 a.m. in department C-60.

23 **IT IS SO ORDERED.**

24 Dated: _____

25 _____
26 HON. MATTHEW C. BRANER
27 JUDGE OF THE SUPERIOR COURT
28