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6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **COUNTY OF SACRAMENTO**
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9 LATOYIA KIMII BROWN, as an
10 individual and on behalf of all others
11 similarly situated,

12 Plaintiff,

13 vs.

14 HP HOOD LLC, a Delaware limited
15 liability company; and DOES 1 through 50,
16 inclusive,

17 Defendants.
18

Case No.: 34-2022-00315068-CU-OE-GDS

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

Date: March 8, 2024

Time: 9:00 a.m.

Dept.: 22

Reservation No.: A-315068-001

Action Filed: February 4, 2022

Trial Date: None Set

19 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

20 Plaintiff Latoyia Kimii Brown's ("Plaintiff") Motion for Preliminary Approval of Class
21 Action Settlement ("Motion for Preliminary Approval") came before this Court, on March 8,
22 2024, at 9:00 a.m. in Department 22, before the Honorable Lauri Damrell. The Court having
23 reviewed the Agreement and considered the papers, the arguments of counsel, and all other
24 evidence and matters presented, and good cause appearing:

25 **IT IS ORDERED** that the Motion for Preliminary Approval of Class Action Settlement
26 is **GRANTED**, subject to the following findings and orders:

27 1. The Court grants preliminary approval of the Parties' settlement based upon the
28 terms set forth in the Joint Stipulation of Class and PAGA Settlement ("Agreement" or

1 “Settlement”) filed herewith. All terms used herein have the same meaning as defined in the
2 Agreement. The settlement set forth in the Agreement appears to be fair, adequate and
3 reasonable to the Class and PAGA Members.

4 2. It appears to the Court on a preliminary basis that (a) the Settlement is fair,
5 adequate and reasonable; (b) the Maximum Settlement Amount and Net Settlement Amount are
6 fair, adequate and reasonable when balanced against the probable outcome of further litigation
7 relating to liability and damages issues; (c) sufficient investigation and research have been
8 conducted such that counsel for the Parties at this time are able to reasonably evaluate their
9 respective positions; (d) settlement at this time will avoid additional costs by all Parties, as well
10 as avoid the delay and risks that would be presented by the further prosecution of the Action; and
11 (e) the Settlement has been reached as the result of non-collusive, arms-length negotiations.

12 3. A final fairness hearing on the question of whether the Settlement, Attorneys’ Fees
13 and Costs to Class Counsel, Plaintiff’s Enhancement Award, and Administration Expenses should
14 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
15 Department 22 on the date and time set forth in Paragraph 10 below.

16 4. This Court approves, as to form and content, the Class Notice, in substantially the
17 form attached to the Agreement as **Exhibit B**. The Court approves the procedure for Class
18 Members to participate in, to opt out of, and/or to object to, the Settlement as set forth in the
19 Agreement and the Class Notice.

20 5. The Court directs the mailing of the Class Notice by first class mail to the Class
21 and PAGA Members in accordance with the Implementation Schedule set forth below. The Court
22 finds the dates selected for the mailing and distribution of the Class Notice, as set forth in the
23 Implementation Schedule, meet the requirements of due process and provide the best notice
24 practicable under the circumstances and will constitute due and sufficient notice to Class and
25 PAGA members.

26 6. The Court concludes that, for settlement purposes only, the Class is preliminarily
27 and conditionally certified and meets the requirements for certification under section 382 of
28 California Code of Civil Procedure in that: (1) the Class is ascertainable and so numerous that

1 joinder of all members of the Class is impracticable; (b) common questions of law and fact
2 predominate, and there is a well-defined community of interest amongst the members of the
3 Class with respect to the subject matter of the litigation; (c) Plaintiff's claims are typical of the
4 claims of the members of the Class; (d) Plaintiff will fairly and adequately protect the interest of
5 the members of the Class; (e) a class action is superior to other available methods for the
6 efficient adjudication of the controversy; and (f) Class Counsel is qualified to act as counsel for
7 the Plaintiff in her individual capacity and as the representative of the Class.

8 7. The Court confirms Plaintiff Latoyia Kimii Brown as the Class Representative,
9 and Larry W. Lee, Esq. and Christine S. Lee, Esq. of the law firm Diversity Law Group, P.C., as
10 Class Counsel.

11 8. The Court confirms CPT Group, Inc. as the Administrator.

12 9. The Court approves the proposed procedures, as set forth in the Agreement for:
13 seeking exclusion from the Settlement by submitting to the Administrator a valid and timely
14 Request for Exclusion; objecting to the Settlement by filing with the Court and submitting to the
15 Administrator a written objection; and disputing credited workweeks by submitting to the
16 Administrator a valid and timely Workweek Dispute.

17 10. A final fairness hearing will be held before this Court on _____ at
18 _____ a.m./p.m. in Department 22 of the Superior Court of California for the
19 County of Sacramento located at 720 9th Street Sacramento, California 95814, to determine all
20 necessary matters concerning the Settlement, including: whether the proposed settlement of the
21 Action on the terms and conditions provided for in the Agreement is fair, adequate, and
22 reasonable and should be finally approved by the court; whether a judgment, as provided in the
23 Agreement, should be entered; whether the plan of allocation contained in the Settlement
24 should be approved as fair, adequate, and reasonable to the Class Members; and determine
25 whether to finally approve the allocations and requests for Class Counsel's Fees and Costs,
26 Plaintiff's Enhancement Award, Administration Expenses, and PAGA Allocation. Class
27 Counsel will file a motion for final approval of the Settlement and for Class Counsel's Fees and
28 Costs, Plaintiff's Enhancement Award, and Administration Expenses, along with the appropriate

1 declarations and supporting evidence, including the Administrator's declaration in accordance
2 with California Code of Civil Procedure section 1005(b) (i.e., 16 court days prior to the final
3 fairness hearing).

4 The Court orders the following **Implementation Schedule** for further proceedings:

	Event	Date
5 a.	Deadline for Defendant to Submit Class Data to Administrator	[20 calendar days after Order granting preliminary Approval]
6		
7		
8		
9 b.	Deadline for Administrator to Mail Class Notice to Class and PAGA Members	[45 calendar days after Order granting preliminary Approval]
10		
11		
12 c.	Deadline for Class Members to Postmark Workweek Dispute	[45 calendar days after mailing of the Class Notice]
13		
14 d.	Deadline for Class Members to Postmark Requests for Exclusion	[60 calendar days after mailing of the Class Notice]
15		
16 e.	Deadline for Receipt by Court and Administrator of any objections to Settlement	[60 calendar days after mailing of the Class Notice]
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18		
19 f.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	[70 calendar days after mailing of the Class Notice, provided number and percentage of opt outs previously provided to Defendant]
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21		
22 g.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Class Counsel's Attorneys' Fees and Costs and Plaintiff's Enhancement Award	[16 Court days before Final Approval Hearing]
23		
24		
25		
26 h.	Deadline for filing of Declaration by Administrator of Due Diligence and Proof of Mailing	[16 Court days before Final Approval Hearing]
27		
28		

i.	Final Approval Hearing	
		Date:
		Time:

11. Pending the final fairness hearing, all proceedings in this Action, other than proceedings necessary to carry out or enforce the terms of the Settlement and this Order, are hereby stayed.

IT IS SO ORDERED.

Dated: _____

HONORABLE LAURI DAMRELL
JUDGE OF THE SUPERIOR COURT