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7 Attorneys for Plaintiff VINCE BURKLUND
8 on behalf of himself, the State of California, and others similarly
9 situated and aggrieved

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF ORANGE**

13 VINCE BURKLUND on behalf of himself,
14 the State of California, and others similarly
15 situated and aggrieved,

16 Plaintiff,

17 v.

18 GARDEN GROVE UNIFIED SCHOOL
19 DISTRICT, a California public school
20 district; and DOES 1-100, inclusive,

21 Defendants.
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Case No.: 30-2022-01260573-CU-OE-CXC

Assigned for All Purposes to:

Hon. Melissa R. McCormick
Dept. CX-104

[PROPOSED] ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Date: June 21, 2024

Time: 2:00 p.m.

Dept.: CX-104

1 The Court, having read the papers filed regarding Plaintiff's unopposed Motion for
2 Preliminary Approval of Class Action, Collective Action, and PAGA Settlement, and having
3 heard argument regarding the Motion, hereby finds and ORDERS as follows:

4 1. The Class Action, Collective Action, and PAGA Settlement Agreement and Class
5 Notice, Exhibit A hereto, (the "Settlement Agreement"), is the result of arm's length negotiations
6 conducted after adequate investigation of the claims, is within the range of possible recovery, and,
7 subject to further consideration at the Final Approval Hearing described below, is preliminarily
8 approved as a fair, reasonable, and adequate resolution of a bona fide dispute;

9 2 For purposes of settlement only, the Court provisionally and conditionally certifies
10 the following class: "All individuals employed by Defendant Garden Grove Unified School District
11 ("GGUSD") as a non-exempt employee in the State of California from May 5, 2019 until August 16,
12 2023." For purposes of approval of the PAGA portion of the proposed settlement, the Aggrieved
13 Employees are defined as "All individuals employed by GGUSD as a non-exempt employee in the
14 State of California from May 17, 2021 until August 16, 2023."

15 3. The Court finds the Settlement Class, consisting of approximately 3,960 members,
16 is so numerous that joinder of all members is impracticable, and that the Settlement Class is
17 ascertainable by reference to the business records of defendant GGUSD.

18 4. The Court finds further there are questions of law and fact common to the entire
19 Settlement Class, which common questions predominate over any individualized questions of law
20 or fact. These common questions include, without limitation: (1) whether GGUSD paid
21 Settlement Class Members for all hours worked at a rate no less than the applicable minimum
22 wage, and (2) whether the Class Members are entitled to liquidated damages.

23 5. The Court finds there is a bona fide dispute both with respect to the FLSA claims and
24 the other claims asserted. If the settlement reflects a reasonable compromise over issues that are
25 actually in dispute, the Court may approve the settlement "in order to promote the policy of
26 encouraging settlement of litigation." Lynn's Food Stores, Inc. v. United States (11th Cir. 1982)
27 679 F.2d 1350, 1354.

6. The Court finds further that the claims of named Plaintiff Vince Burklund are typical of the claims of the Settlement Class, and that he will fairly and adequately protect the interests of the Settlement Class. Accordingly, the Court preliminarily appoints Vince Burklund as the Class Representative, and preliminarily appoints his counsel of record, Zachary M. Crosner, Jamie K. Serb, and Sepideh Ardestani, and Crosner Legal, P.C. as Class Counsel.

7. The Court finds further that certification of the Settlement Class is superior to other available means for the fair and efficient adjudication of the controversy.

8. The Court finds further that, in the present case, the proposed method of providing notice of the Settlement to the Settlement Class via First Class U.S. Mail to each Settlement Class Member's last known address, is reasonably calculated to notify the Settlement Class Members of the proposed Settlement and provides the best notice possible under the circumstances. The Court also finds the Notice of Class Action Settlement form is sufficient to inform the Settlement Class Members of the terms of the Settlement and their rights thereunder, including the right to object to the Settlement or any part thereof and the procedure for doing so, their right to exclude themselves from the Settlement and the procedure for doing so, their right to obtain a portion of the Settlement proceeds, and the date, time and location of the Final Approval Hearing. The proposed Notice of Class Action Settlement, Exhibit B hereto, and the procedure for providing Notice set forth in the Settlement Agreement, are approved by the Court.

9. Under the terms of the Settlement Agreement, the Court preliminarily approves the Parties' selection of Phoenix Settlement Administrators as the Settlement Administrator. The Settlement Administrator is ordered to mail the Class Notice to the Settlement Class Members via First-Class U.S. Mail as specified in the Settlement Agreement, and to otherwise carry out all other duties set forth in the Settlement Agreement. The Parties are ordered to carry out and comply with all terms of this Order and the Settlement Agreement, and particularly with respect to providing the Settlement Administrator all information necessary to perform its duties under the Settlement Agreement.

10. The Court preliminarily approves the following payments from the Gross

Settlement Amount: - 2 -
[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION, COLLECTIVE ACTION, AND PAGA SETTLEMENT

1 a. Attorney's Fees to Class Counsel in an amount not to exceed one-third or the Gross
2 Settlement Amount, or \$260,000.00;

3 b. Class Counsel's litigation costs and expenses in an amount not to exceed
4 \$29,000.00;

5 c. A Class Representative Enhancement Payment to Plaintiff in an amount not to
6 exceed \$10,000.00;

7 d. The Settlement Administrator's fees and expenses in an amount not to exceed
8 \$28,000.00; and

9 e. Civil penalties under the Private Attorney's General Act in an amount not to exceed
10 \$50,000.00.

11 11. Any member of the Settlement Class who wishes to comment on or object to the
12 Settlement or any term thereof, including any proposed award of attorney's fees and costs to Class
13 Counsel or any proposed representative enhancement to the Class Representative, shall have sixty
14 (60) days from the mailing of the Class Notice, or until October 2, 2024, to submit his or her
15 comments and/or objection to the Settlement Administrator, as set forth in the Settlement
16 Agreement and Class Notice. Class Members likewise shall have sixty (60) days from the mailing
17 of the Class Notice, or until October 2, 2024, to submit to the Settlement Administrator any
18 dispute regarding the calculation of his or her Individual Settlement Share, as set forth in the
19 Settlement Agreement and Class Notice. Class Members likewise shall have sixty (60) days from
20 the mailing of the Class Notice, or until October 2, 2024, to submit to the Settlement
21 Administrator a Request for Exclusion from the Settlement, as set forth in the Settlement
22 Agreement and Class Notice. The response date for all Class Members whose Class Notice is re-
23 mailed shall be extended by 14 calendar days, to October 16, 2024.

24 12. A Final Approval Hearing is hereby set for November 14, 2024, at 2:00 p.m. in
25 Department CX-104 of the Orange County Superior Court, located at 751 West Santa Ana
26 Boulevard, Santa Ana, California 92701, to consider any objections to the Settlement, determine if
27 the proposed Settlement should be found fair, adequate and reasonable and given full and final
28 approval by the Court, and to determine the amount of attorney's fees and costs awarded to Class

[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION, COLLECTIVE ACTION, AND
PAGA SETTLEMENT

1 Counsel, the amount of any representative enhancement award to the Class Representative, and to
2 approve the fees and costs payable to the Settlement Administrator. All legal memoranda,
3 affidavits, declarations, or other evidence in support of the request for final approval, the award of
4 attorney's fees and costs to Class Counsel, the enhancement award to the Class Representative,
5 and the fees and costs of the Settlement Administrator, shall be filed no later than sixteen (16)
6 court days prior to the Final Approval Hearing. Notice of the Final Approval Hearing shall be
7 provided to the Labor & Workforce Development Agency concurrently with filing the final
8 approval papers. The Court reserves the right to continue the Final Approval Hearing without
9 further notice to the Settlement Class Members.

10 13. Provided he or she has not submitted a timely and valid Request for Exclusion, any
11 Settlement Class Member may appear, personally or through his or her own counsel, and be heard
12 at the Final Approval Hearing regardless of whether he or she has submitted a written objection.

13 14. Under Code of Civil Procedure section 664.6, the Court shall retain jurisdiction
14 over the parties to interpret, implement and enforce the Settlement.

15 IT IS SO ORDERED.

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19 Dated: _____

Melissa R. McCormick
Judge of the Superior Court