

FILED
San Francisco County Superior Court

OCT 17 2023

CLERK OF THE COURT
BY: *Christina Shieh*
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

ASHLEY HASSMER, an individual, on
behalf of herself, the State of California, as a
private attorney general, and on behalf of all
others similarly situated,

Plaintiff,

v.

CHAPARRAL COUNTRY CORPORATION,
a California corporation; and DOES 1 TO 50,

Defendants.

Case No. CGC-22-598519

ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

1 The Court, having reviewed and considered Plaintiff's Motion for Preliminary Approval of
2 Class Action Settlement, the accompanying memoranda and declarations, the Settlement
3 Agreement, and the file in this case, HEREBY ORDERS THE FOLLOWING:

4 1. The Court grants preliminary approval of the Settlement based upon the terms set
5 forth in the Second Amended Settlement Agreement and Release of Class Action (the "Settlement
6 Agreement") attached as Exhibit 8 to the Second Supplemental Declaration of Jonathan Melmed in
7 support of Plaintiff's Motion for Order Granting Preliminary Approval of Class Action Settlement.
8 All terms used herein shall have the same meaning as defined in the Settlement Agreement. The
9 Settlement Agreement appears to be fair, adequate, and reasonable, and falls within the range of
10 final approval.

11 2. Pursuant to section 382 of the Code of Civil Procedure, the Court hereby finds that
12 the prerequisites for conditional certification of a settlement class have been met and preliminary
13 certifies the following class for settlement purposes only: All individuals who are or were employed
14 by Defendants as non-exempt employees in California during the Class Period. The Class Period
15 is the period from March 4, 2018, through the earlier of May 21, 2023, or the date of preliminary
16 approval of the Settlement by the Court. The Court finds for settlement purposes only that the
17 proposed Class: (a) is ascertainable; (b) is sufficiently numerous; (c) meets the commonality
18 requirements; (d) the claims of the Class Representative are typical of the claims of the proposed
19 Class Members; (e) the Class Representative's counsel is able to adequately represent the proposed
20 Class; (f) the Class Representative is adequate to represent the Class; and (g) class-wide treatment
of this dispute is superior to individual litigation.

21 3. Solely for purposes of Settlement, the Court hereby provisionally appoints Plaintiff
22 Ashley Hassmer as the Class Representative and Jonathan Melmed and Laura M. Supanich of
23 Melmed Law Group P.C. as Class Counsel.

24 4. A Final Approval and Fairness Hearing will be held before the Court to determine:
25 (1) whether the Settlement should be finally approved by the Court as fair, reasonable, and adequate,
26 including consideration of any timely objections; (2) whether Class Counsel have fairly and
27 adequately represented the interests of the Settlement Class; and (3) whether Class Counsel's
28

1 attorneys' fees and costs, the Class Representative's enhancement award, and the PAGA Payment
2 should be approved. The Final Approval and Fairness Hearing may be continued by order of the
3 Court. Class Members who timely object shall receive notice if the Final Approval and Fairness
4 Hearing is continued.

5 5. The Court hereby approves the parties' designation of ILYM Group, Inc. as the
6 Settlement Administrator. The Court reserves the approval of settlement administration costs until
7 the Final Approval and Fairness Hearing. The Court notes that the Settlement Agreement provides
8 that such costs will be paid from the Gross Settlement Amount and shall not exceed \$7,500.

9 6. The Court approves, as to form and content, the Notice of Proposed Class Action
10 Settlement ("Class Notice") and Class Action Settlement Share Form ("Share Form"), in
11 substantially the form attached as Exhibits 3 and 5 to the Second Supplemental Declaration of
12 Jonathan Melmed. The Court approves the procedure for Class Members to participate in, to opt
13 out of, and to object to, the Settlement as set forth in the Settlement Agreement.

14 7. The Court directs the mailing and emailing of the Class Notice and Share Form to
15 Class Members in accordance with the Implementation Schedule set forth below and the Settlement
16 Agreement. The Court finds the Notice method meets the requirements of due process and provides
17 the best notice practicable under the circumstances.

18 8. To facilitate administration of the Settlement pending final approval, the Court
19 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
20 administrative proceedings (including filing claims with the Division of Labor Standards
21 Enforcement of the California Department of Industrial Relations) regarding claims released by the
22 Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the
23 Settlement Administrator.

24 9. The Court orders the following Implementation Schedule for further proceedings:

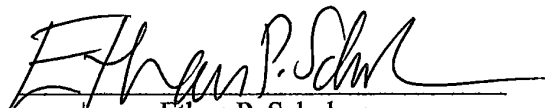
25	a. Deadline for Defendant to Submit Class 26 Member Information to Settlement Administrator	October 31, 2023
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b.	Deadline for Settlement Administrator to Mail and Email Notice to Class Members	November 14, 2023
c.	Deadline for Class Members to Submit Requests for Exclusion	45 days after mailing and emailing the Class Notice
d.	Deadline for Class Members to Submit any Objections to Settlement	45 days after mailing and emailing the Class Notice
e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	January 30, 2024
f.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	February 16, 2024
g.	Final Approval and Fairness Hearing	February 23, 2024 at 10:00 a.m.

10. Class Counsel shall submit a copy of this Order to the Labor and Workforce Development Agency within 10 days after entry of order pursuant to Labor Code section 2699(l)(3).

IT IS SO ORDERED.

Dated: October 17, 2023


Ethan P. Schulman
Judge of the Superior Court

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On October 17, 2023, I electronically served ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: OCT 17 2023

Brandon E. Riley, Court Executive Officer

By: 
Felicia Green, Deputy Clerk