

FILED
Clerk of the Superior Court

JUL 12 2024

By: T. Abas

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2 The Motion for Preliminary Approval of a Settlement came before this Court on July 12,
3 2024 at 9:30 a.m. in Department C-71 of San Diego County Superior Court – Central Division
4 located at 330 W. Broadway, San Diego, CA 92101, the Honorable Gregory W. Pollack, Presiding.
5 The Court, having considered the proposed Class Action and PAGA Settlement Agreement,
6 attached as **Exhibit 1** and the proposed Notice of Class Action Settlement attached as **Exhibit 2** to
7 the Declaration of John Brown in Support of Plaintiff’s Motion for Preliminary Approval of Class
8 Action Settlement, (hereafter collectively, the “Settlement” or “Settlement Agreement and Notice”);
9 having considered the Motion for Preliminary Approval of Class Action Settlement; having
10 considered the respective points and authorities and declarations submitted by the parties in support
11 thereof; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

19 all of Defendant’s current and former hourly non-exempt California
20 employees at any time during the Class Period.

21 1. For purposes of the settlement, the Court further designates named Plaintiff Jesus
22 Martinez as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Antonia
23 McKee, Esq., and John Brown, Esq. of Lavi & Ebrahimian, LLP as Class Counsel.

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

25 3. A final fairness hearing on the question of whether the proposed settlement should
26 be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is
27 scheduled in Department C-71 of this Court, located at 330 W. Broadway, San Diego, CA 92101,
28 on _____, 2023, at _____ a.m./p.m.

[PROPOSED] ORDER

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

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

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

11 7. The Court approves, as to form and content, the Class Action and PAGA
12 Settlement Notice ("Notice") which is attached to the Declaration of John Brown as **Exhibit 2.**

13 8. Within fifteen (15) calendar days of the entry of this Order, Defendant will provide
14 the Settlement Administrator Class Member identifying information in Defendant's possession
15 including the Class Member's name, last-known mailing address, Social Security number, and
16 number of Class Period Workweeks and PAGA Pay Periods ("Class Data").

17 9. Within twenty-one (21) days of the latter of (a) Preliminary Approval of this
18 settlement, or (b) court approval of Class Notice to the Class Members, whichever is earlier, the
19 Administrator will send Class Members, by first-class mail, at their last known address, the court-
20 approved notice of this settlement and notice of the opportunity to opt out of the Settlement Class.
21 The proposed members of the Settlement Class shall have forty-five (45) calendar days after the
22 initial mailing of the Notice to submit an objection or a written request to be excluded ("Response
23 Deadline"). The Administrator will skip trace and re-mail all returned, undelivered mail within ten
24 (10) days of receiving notice that a notice was undeliverable. The deadline for Class Members'
25 written objections, Challenges to Workweeks and/or Pay Periods, and Requests for Exclusion will
26 be extended an additional fourteen (14) days beyond the forty-five (45) days otherwise provided in
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1 the Class Notice for all Class Members whose notice is re-mailed. The Administrator will inform
2 the Class Member of the extended deadline with the re-mailed Class Notice.

3 10. The Court finds that the form of Notice to the Settlement Class regarding the
4 pendency of the action and of this settlement, and the methods of giving notice to members of the
5 Settlement Class constitute the best notice practicable under the circumstances and constitute
6 valid, due, and sufficient notice to all members of the Settlement Class. They comply fully with
7 the requirements of California Code of Civil Procedure section 382, California Civil Code section
8 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
9 and other applicable law.

10 11. The Court further approves the procedures for Settlement Class Members to
11 participate in, opt out of, or object to the Settlement, as set forth in the Settlement Agreement and
12 Notice.

13 12. an attorney to appear in Court) to present verbal objections at the Final Approval
14 Hearing.

15 13. Settlement Class Members who wish to exclude themselves (opt-out of) the Class
16 Settlement must send the Administrator, by fax, email, or mail, a signed written Request for
17 Exclusion not later than forty-five (45) days after the Administrator mails the Class Notice (plus
18 an additional fourteen (14) days for Class Members whose Class Notice is re-mailed). A Request
19 for Exclusion shall: (1) reasonably communicate that the Class Member elects to be excluded
20 from the Settlement; (2) include the Class Member's name, address and email address or
21 telephone number; (3) be signed by the Class Member. To be valid, a Request for Exclusion must
22 be timely faxed, emailed, or postmarked by the Response Deadline.

23 Any Class Member who submits a valid and timely Request for Exclusion is a Non-Participating
24 Class Member and shall not receive an Individual Class Payment or have the right to object to the
25 class action components of the Settlement. Because future PAGA claims are subject to claim
26 preclusion upon entry of the Judgment, Non-Participating Class Members who are Aggrieved
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Employees are deemed to release the claims identified in Paragraph 5.4 of the Settlement Agreement and are eligible for an Individual PAGA Payment.

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

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

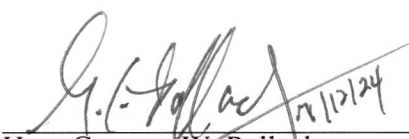
16. The Court orders the following Implementation Schedule for further proceedings:

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.	21 calendar days after (a) entry of this Order, or (b) court approval of Class Notice to the Class Members, whichever is earlier
Response Deadline: (i) last day for class members to submit exclusion requests; and (ii) last day for Participating Class Members to submit objections.	(i) 45 calendar days after the postmark on the Class Notice (ii) plus an additional 14 days if Class Notice is re-mailed
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 class counsel 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.	November 22, 2024 @ 9:30 a.m.

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

IT IS SO ORDERED.

Dated: _____


Hon. Gregory W. Pollack
Judge of the Superior Court

[PROPOSED] ORDER