

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Brian Hildick
and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF AMADOR

BRIAN HILDICK, on behalf of himself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

SUN COMMUNITIES, INC., a Maryland
corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No. 22-CV-12673

Assigned to the Hon. Andrea Sexton, Dept. 3

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND FOR LEAVE
TO FILE FIRST AMENDED COMPLAINT**

Date: November 27, 2023

Time: 8:30 a.m.

Dept.: 1

Complaint Filed: June 14, 2022

The unopposed motion of proposed Plaintiff Brian Hildick (“Plaintiff”) for Preliminary Approval of Class and Representative Action Settlement and for Leave to File a First Amended Complaint came on for hearing before this Court in Department 1, Judge J.S. Hermanson presiding, on November 27, 2023 at 8:30 a.m. The Court, having considered the papers submitted in support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

\\

1 1. The Court grants preliminary approval of the settlement based upon the terms set
2 forth in the proposed Settlement Agreement and Release of Claims (the “Settlement”) filed with
3 the Court. The settlement appears to be fair, adequate, and reasonable to the Class;

4 2. The Court finds that the settlement falls within the range of reasonableness and
5 appears to be presumptively valid, subject only to any objections that may be raised at the final
6 hearing;

7 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
8 Class Action Settlement and Final Hearing (“Notice”), attached to the Settlement as Exhibit 1, and
9 the Request for Exclusion (“Exclusion Form”), attached to the Settlement as Exhibit 2;

10 4. The Court directs the mailing of the Notice and Exclusion Form by first class mail
11 to the Settlement Class Members in accordance with the schedule set forth below. The Court finds
12 that the dates selected for the mailing and distribution of the Notice and Exclusion Form, as set
13 forth herein, meet the requirements of due process and provide the best notice practicable under the
14 circumstances and shall constitute due and sufficient notice to all persons entitled thereto;

15 5. It is ordered that the Settlement Class is preliminarily certified for settlement
16 purposes only. The Settlement Class is defined as follows: all non-exempt employees of Defendant
17 in California at any time between June 14, 2018 and October 30, 2023.

18 6. The Aggrieved Employees are defined as all non-exempt employees of Defendant
19 in California at any time between April 6, 2021 and October 30, 2023;

20 7. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
21 & Gaines, APLC and Nicole Barvié of Barvié Law, APC as Class Counsel, and grants preliminary
22 approval of an award of attorneys’ fees of up to 35% of the Gross Settlement Amount (or \$245,000)
23 and documented litigation costs of up to \$30,000 to Class Counsel, subject to final approval by the
24 Court following a further motion by Class Counsel;

25 8. The Court approves and appoints Plaintiffs Brian Hildick and Tamera Perkins as the
26 Class Representatives and grants preliminary approval to proposed Service Payments and General
27 Release Payments to Plaintiffs Brian Hildick and Tamera Perkins in an amount not to exceed
28 \$10,000 each (\$20,000 total), subject to final approval by the Court following a further motion by

the Class Representatives;

9. The Court grants preliminary approval of the allocation of \$70,000 to settle the representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$52,500) shall be paid directly to the LWDA and 25% (\$17,500) shall be paid to Aggrieved Employees as part of the Net Settlement Proceeds;

10. The Court hereby approves and appoints Phoenix Settlement Administrators as the Settlement Administrator and grants preliminary approval of the payment of fees and other charges of the Settlement Administrator in an amount not to exceed \$20,000;

11. The Court directs Plaintiff to file, for settlement purposes only, the First Amended Complaint attached as Exhibit 3 to the Settlement within ten (10) calendar days after notice of entry of this Order, and suspends any obligation of Defendant to file a responsive pleading thereto; and

12. The Court orders the following schedule of dates for the specified actions/further proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period ("Settlement Class Information")	15 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Exclusion Form to Class Members	25 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Class Members to submit a written Exclusion Form to the Settlement Administrator	45 calendar days after the initial mailing of the Notice to Class Members
Last day for Class Members to submit an objection to the Settlement Administrator	45 calendar days after the initial mailing of the Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days before the final settlement approval hearing date

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

<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, 2024, at _____.m. (approximately 95 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT