

FILED
Superior Court of California
County of Los Angeles

05/14/2024

David W. Slayton, Executive Officer / Clerk of Court

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on behalf of himself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE

JOSE MORAN, on behalf of himself and
similarly situated employees,

Plaintiff,

vs.

MANDAC, INC.; and DOES 1 to 100,
inclusive,

Defendants.

Case No.: 22STCV15849

CLASS ACTION

*[Assigned for all purposes to the Hon. Stuart M.
Rice, Dept. 1]*

**AMENDED ~~PROPOSED~~ ORDER
GRANTING PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed concurrently with Joint Stipulation and
[Proposed] Order]*

Hearing Information:

Date: May 6, 2024

Time: 10:30 a.m.

Dept.: SSC1

The Motion for Preliminary Approval of a Settlement came before this Court on May 6, 2024 at 10:30 a.m. in Department SSC1 of Los Angeles County Superior Court located at 312 N. Spring St., Los Angeles, California 90012. The Court, having considered the proposed Class Action and PAGA Settlement Agreement and Class Notice entered into by and between Plaintiff

1 Jose Moran (“Plaintiff”) and Defendant Mandac, Inc. (“Defendant” or “Mandac”) attached as
2 **Exhibit 2** to the Declaration of Malcolm Clayton in Support of Plaintiff’s Supplemental Brief In
3 Support of Motion for Preliminary Approval of Class Action Settlement, and the Exhibits attached
4 thereto (hereafter collectively, the “Settlement” or “Settlement Agreement”); having considered the
5 Motion for Preliminary Approval of Class Action Settlement filed by the parties, and supplemental
6 briefing thereto; having considered the respective points and authorities and declarations submitted
7 by the parties in support thereof; and good cause appearing, HEREBY ORDERS THE
8 FOLLOWING:

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

16 All current and former hourly, non-exempt employees of Defendant who worked for
17 Defendant Mandac, Inc. in the State of California at any time during the Class Period.

18 1. The “Class Period” is the period from May 12, 2018, through May 31, 2023.

19 2. For purposes of settlement, the Court further designates named Plaintiff Jose Moran
20 as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Eve Howe, Esq, and
21 Malcolm E. Clayton, Esq. of Lavi & Ebrahimian, LLP, as Class Counsel.

22 3. The Court appoints Phoenix Class Action Administration Solutions as the Settlement
23 Administrator.

24 4. The Court finds that there is sufficient evidence for the Court to find that the gross
25 settlement amount, deductions thereto, and resulting net settlement amount (from which individual
26 payments will be calculated on a pro-rata basis pursuant to the terms of the Settlement) are fair,
27 adequate and reasonable, and the Court therefore preliminarily approves the following amounts, to
28 be approved at the final fairness hearing:

- a. Gross Settlement Amount (“GSA”): \$212,500
- b. LWDA Allocation: *Total \$10,000.00, composed of:*
 - i. LWDA Payment: \$7,500.00 (75% of LWDA Allocation)
 - ii. Aggrieved Employees: \$2,500.00 (25% of LWDA Allocation)
- c. Expected Deductions: *Total \$98,341.40, composed of:*
 - i. \$7,500.00 - Class Representative Service Payment
 - ii. \$70,833.33 - Attorneys’ Fees (up to one-third (1/3) of GSA)
 - iii. Up to \$8,000.00 - Attorneys’ Costs (according to proof)
 - iv. Up to \$5,000.00 - Reimbursement of Mediation Fees (according to proof)
 - v. \$7008.07 - Settlement Administration Costs (according to proof)
- d. Estimated Net Settlement Amount: \$114,158.60 (GSA, minus LWDA Allocation, minus Expected Deductions)

5. A final fairness hearing on the question of whether the proposed settlement should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in Department SSC1 of this Court, located at 312 N. Spring St., Los Angeles, California 90012, on November 4, 2024, at 10:30 a.m.

6. At the final fairness hearing, the Court will consider: (a) whether the settlement should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting approval of the settlement should be entered; and (c) whether Plaintiff’s application for an award of Class Counsel Fees, Class Counsel Expenses, and Class Representative Service Payment should be granted.

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

8. Class Counsel shall file a motion for an award of Class Counsel Fees, Class Counsel Expenses, and Class Representative Service Payment by no later than 16 court days prior to the final fairness hearing.

1 9. The Court approves, as to form and content, the Class Notice which is attached to
2 the Settlement as **Exhibit A.**

3 10. No later than fifteen (15) calendar days following the date the Court enters this
4 order, Defendant shall provide the following information to the Settlement Administrator: Class
5 Member identifying information in Defendant's possession including the Class Member's name,
6 last-known mailing address, Social Security number, and number of Class Period Workweeks and
7 PAGA Pay Periods ("Class Data").

8 11. No later than fourteen (14) calendar days after receiving the Class Data, the
9 Settlement Administrator shall disseminate the Class Notice to all the Class Members identified in
10 the Class Data by first-class U.S. Mail.

11 12. Class Members shall have sixty (60) calendar days from the date the Settlement
12 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion
13 from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline").
14 Class Members to whom Notice Packets are resent after having been returned undeliverable to the
15 Administrator shall have an additional fourteen (14) calendar days beyond the Response Deadline
16 has expired.

17 13. The Court finds that the forms of Class Notice to the Class regarding the pendency
18 of the action and of this settlement, and the methods of giving notice to members of the
19 Settlement Class constitute the best notice practicable under the circumstances and constitute
20 valid, due, and sufficient notice to all members of the Class. They comply fully with the
21 requirements of California Code of Civil Procedure section 382, California Civil Code section
22 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
23 and other applicable law.

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

26 15. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
27 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not
28 later than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for

Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class Member or his/her representative that reasonably communicates the Class Member's election to be excluded from the Settlement and includes the Class Member's name, address and email address or telephone number. To be valid, a Request for Exclusion must be timely faxed, emailed, or postmarked by the Response Deadline.

16. Participating Class Members may send written objections to the Administrator, by fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A Participating Class Member who elects to send a written objection to the Administrator must do so not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional 14 days for Class Members whose Class Notice was re-mailed).

17. 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.

18. 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.

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

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	15 calendar days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 calendar days after receipt of the Class Data
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 calendar days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 calendar days prior to the final fairness hearing

1 Last day for the Parties to respond to Objections	10 calendar days prior to the final fairness hearing
2 Hearing on final approval of class action settlement.	Monday, November 4, 2024, at 10:30 a.m.

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

6
7 **IT IS SO ORDERED.**



Stuart M. Rice

8
9 Dated: May 14, 2024

Stuart M. Rice / Judge

Hon. Stuart M. Rice
Judge of the Superior Court