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and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

GABRIELA BUSTAMANTE, on behalf
of herself and all “aggrieved employees”
pursuant to Labor Code § 2698 et seq.,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC.,
a Delaware corporation; and DOES 1
through 10 inclusive,

Defendants.

Case No. 22CV400968

*Assigned to the Hon. Theodore C. Zayner, Dept.
D19*

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: May 8, 2024

Time: 1:30 p.m.

Dept.: D19

Action Filed: July 21, 2022

The unopposed motion of Plaintiff Gabriela Bustamante (“Plaintiff”) for Preliminary Approval of Class and Representative Action Settlement came on for hearing before this Court in Department D19, Judge Theodore C. Zayner presiding, on May 8, 2024 at 1:30 p.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. The Court grants preliminary approval of the settlement based upon the terms set forth in the proposed Settlement Agreement (the “Settlement” or “Settlement Agreement”) filed with the Court. The Settlement appears to be fair, adequate, and reasonable to the Class;

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

3 3. The Court approves, as to form and content, the Notice of Proposed Class Action
4 Settlement and Class Action Settlement Hearing (“Notice”), attached to the Settlement Agreement
5 as Exhibit 1;

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

11 5. The Court approves the Settlement Amount of Two Hundred Ninety Thousand
12 Dollars and Zero Cents (\$290,000.00). It is ordered that the Class is preliminarily certified for
13 settlement purposes only. The Class and Class Members are defined as follows: all individuals
14 who are or who have been directly employed by Defendant in California at the Monterey Marriott
15 as a non-exempt employee for any period of time between July 21, 2018 and the date of this Order;

16 6. The Court approves and appoints Gaines & Gaines, APLC as Class Counsel, and
17 grants preliminary approval of an award of attorneys’ fees of up to 35% of the Settlement Amount
18 (or \$101,500) and documented litigation costs of up to \$20,000 to Class Counsel, subject to final
19 approval by the Court following a further motion by Class Counsel;

20 7. The Court approves and appoints Plaintiff Gabriela Bustamante as the Class
21 Representative and grants preliminary approval to proposed Service Award to Plaintiff in an
22 amount not to exceed \$10,000, subject to final approval by the Court following a further motion by
23 the Class Representative;

24 8. The Court grants preliminary approval of the allocation of \$25,000 to settle the
25 representative claims asserted under the Private Attorneys General Act (Labor Code §§ 2698 et
26 seq.), of which 75% (\$18,750) shall be paid to the LWDA and 25% (\$6,250) will be distributed to
27 PAGA Members (i.e., all individuals who are or who have been employed by Defendant in
28 California at the Monterey Marriott as a non-exempt employee for any period of time between July

21, 2021 and the date of this Order);

9. The Court hereby approves and appoints ILYM Group, Inc. as the Settlement Administrator and grants preliminary approval of the payment of administrative fees and other charges of the Settlement Administrator in an amount not to exceed \$10,000;

10. 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 with the Class List and Data	21 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice to Class Members	15 calendar days after Settlement Administrator's receipt of Class List and Data
Last day for Class Members to submit a written exclusion request 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	16 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	16 calendar days before the final settlement approval hearing date
Final settlement approval hearing	_____, 2024, at _____.m. (approximately 120 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT