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12 Attorneys for Plaintiff ANDREA SOSA,
13 on behalf of herself and others similarly situated

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

16 ANDREA SOSA, on behalf of herself and
17 others similarly situated,

18 Plaintiff,

19 vs.

20 BANK OF AMERICA NATIONAL
21 ASSOCIATION; and DOES 1 to 100,
22 inclusive,

23 Defendants.

Case No.: 22STCV18958

CLASS ACTION

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

**[REVISED PROPOSED] ORDER
GRANTING PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed pursuant to Court's tentative ruling of
April 11, 2025]*

Hearing Information:

Date: April 16, 2025

Time: 10:30 a.m.

Dept.: 1

1 The Motion for Preliminary Approval of a Settlement came before this Court on April 16,
2 2025, at 10:30 a.m. in Department SSC1 of Los Angeles County Superior Court located at 312 N.
3 Spring St., Los Angeles, California 90012. The Court, having considered the proposed Amended
4 Stipulation for Settlement and Release of Class and Representative Action Claims entered into by
5 and between Plaintiff Andrea Sosa (“Plaintiff”), and Defendant Bank of America, N.A.
6 (“Defendant”), attached as **Exhibit 1** to the Further Declaration of Malcolm Clayton in Support of
7 Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, and the Exhibits attached
8 thereto (hereafter collectively, the “Settlement” or “Settlement Agreement”); having considered the
9 Motion for Preliminary Approval of Class Action Settlement; having considered the respective
10 points and authorities and declarations submitted by the parties in support thereof; and good cause
11 appearing, HEREBY ORDERS THE FOLLOWING:

12 1. The Court grants preliminary approval of the Settlement as set forth in the
13 Settlement and finds the terms to be within the range of reasonableness of a settlement that
14 ultimately could be granted approval by the Court at the Final Fairness Hearing. For purposes of the
15 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 Class in questions of law and fact.
17 Therefore, for settlement purposes only, the Court grants conditional certification of the following
18 “Class” defined as follows:

19 all current or former non-exempt employees who worked for Defendant in California from
20 June 26, 2020, through July 15, 2024, but excluding: (1) anyone other than Plaintiff Andrea
21 Sosa who has filed their own separate class or PAGA action as a named plaintiff alleging
22 the same or similar claims being released by the Settlement prior to April 16, 2024; and (2)
23 any current or former non-exempt employees who previously released all claims being
24 released in the Settlement of the Lawsuits.

25 2. The “Class Period” is the period from June 26, 2020, through July 15, 2024.

26 3. For purposes of settlement, the Court further designates named Plaintiff Andrea Sosa
27 as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., and Malcolm E.
28 Clayton, Esq. of Lavi & Ebrahimian, LLP, as Class Counsel.

- 1 4. The Court appoints CPT Group, Inc. as the Settlement Administrator.
- 2 5. The Court finds that there is sufficient evidence for the Court to find that the gross
- 3 settlement fund, deductions thereto, and resulting net settlement fund (from which individual
- 4 payments will be calculated pursuant to the terms of the Settlement) are fair, adequate and
- 5 reasonable, and the Court therefore preliminarily approves the following amounts, to be approved at
- 6 the final fairness hearing:
- 7 a. Gross Settlement Fund (“GSF”): \$4,400,000.00
- 8 b. LWDA Allocation: *Total \$220,000.00, composed of:*
- 9 i. LWDA Payment: \$165,000.00 (75% of LWDA Allocation)
- 10 ii. Aggrieved Employees: \$55,000.00 (25% of LWDA Allocation)
- 11 c. Expected Deductions: *Total \$1,549,166.67, composed of:*
- 12 i. \$7,500.00 - Class Representative Enhancement Award (normally does not
- 13 exceed \$7,500 absent extraordinary circumstances, but Class Counsel may
- 14 request up to \$10,000 at time of Final Approval Hearing)
- 15 ii. \$1,466,666.67 - Attorneys’ Fees (up to one-third (1/3) of GSA)
- 16 iii. Up to \$35,000.00 - Attorneys’ Costs (according to proof)
- 17 iv. \$40,000.00 - Settlement Administration Costs (according to proof)
- 18 d. Estimated Net Settlement Fund: \$2,630,833.33 (GSF, minus LWDA Allocation,
- 19 minus Expected Deductions)
- 20 6. A final fairness hearing on the question of whether the proposed settlement should
- 21 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
- 22 Department SSC1 of this Court, located at 312 N. Spring St., Los Angeles, California 90012, on
- 23 _____, 2025, at _____ a.m./p.m.
- 24 7. At the final fairness hearing, the Court will consider: (a) whether the Settlement
- 25 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
- 26 approval of the Settlement should be entered; and (c) whether Plaintiff’s application for an award of
- 27 Class Counsel fees, Class Counsel expenses, and Class Representative Enhancement Award should
- 28 be granted.

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

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

7 10. The Court finds that there is sufficient evidence for the Court to find that the method
8 of calculation of Individual Settlement Payments provided for in the Settlement Agreement,
9 specifically the weighting of the Period A Unreleased Individual Pay Periods and Period B
10 Unreleased Individual Pay Periods, is fair, adequate, and reasonable, and the Court therefore
11 approves the method of calculation for the purposes of distribution of the Class Notice to the Class.

12 11. The Court approves, as to form and content, the Class Notice which is attached to
13 the Settlement as **Exhibit B.**

14 12. No later than thirty (30) calendar days after preliminary approval of the Settlement
15 by the Court, Defendant shall provide the Class List to the Settlement Administrator. The Class
16 List shall include the following most up-to-date information about each Class Member that exists in
17 Defendant's HRIS system of record in an electronic format: (1) full name, Social Security Number,
18 and most current home or mailing address and personal phone number as reflected in Defendant's
19 personnel records; (2) employee identification number; (3) the number of Period A Unreleased
20 Individual Pay Periods; (4) the number of Period B Unreleased Individual Pay Periods; and (5) the
21 number of Unreleased PAGA Pay Periods.

22 13. The Class List is designated as "Confidential" under the Stipulation and Protective
23 Order entered by the Court on September 26, 2023 (the "Protective Order"), and the Settlement
24 Administrator is required to sign and provide to Defendant the Acknowledgement of being bound
25 by the Protective Order.

26 14. No later than ten (10) calendar days after receiving the Class List, the Settlement
27 Administrator shall disseminate the Class Notice to all the Class Members and Aggrieved
28 Employees identified in the Class List by first-class U.S. Mail.

1 15. Class Members shall have forty-five (45) calendar days from the date the
2 Settlement Administrator mails Notice to the Class Members to fax, email, or mail Requests for
3 Exclusion from the Settlement, Objections to the Settlement, or Challenges to Calculations
4 (“Response Deadline”). If the Notice is returned as undeliverable and then remailed to a
5 corrected/forwarding address of a Class Member with fewer than fifteen (15) calendar days left in
6 the original notice period, then his/her Response Deadline will be extended to fifteen (15)
7 calendar days from the date of remailing of the Notice.

8 16. A Request for Exclusion is a letter from a Class Member or his/her representative
9 that includes: (1) language which indicates an objective intent not to participate in the class
10 settlement; (2) the Class Member’s full name, address, telephone number, and last four digits of
11 his/her Social Security Number; and (3) the Class Member’s signature. To be valid, a Request for
12 Exclusion must be timely faxed, emailed, or postmarked by the Response Deadline.

13 17. In the event that five percent (5%) or more of the Class Members submit elections
14 to opt-out of the Settlement, Defendant will have the right to rescind and terminate the Settlement
15 without prejudice to its pre-settlement positions and defenses in the Lawsuits. If Defendant
16 exercises this option, it will pay any Settlement Administrator costs incurred as of the date it
17 rescinded and terminated the Settlement.

18 18. Participating Class Members may send written objections to the Administrator, by
19 fax, email, or mail, by sending a written statement, on or before the Response Deadline, which
20 includes: (i) the Class Member’s full name, address, telephone number, and last four digits of
21 his/her Social Security Number; (ii) a statement of the legal and/or factual grounds for the
22 objection; (iii) if represented by counsel, a statement indicating that they are represented by
23 counsel and identifying any such counsel; and (iv) the Class Member’s signature. Any Class
24 Member who is capable of objecting may do so orally by appearing at the Final Fairness Hearing.

25 19. The Court finds that the forms of Class Notice to the Class regarding the pendency
26 of the action and of this settlement, and the methods of giving notice to members of the Class
27 constitute the best notice practicable under the circumstances and constitute valid, due, and
28 sufficient notice to all members of the Class. They comply fully with the requirements of

California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

20. The Court further approves the procedures for Class Members to participate in, opt out of, object to the Settlement, or challenge workweek calculations as set forth in the Settlement Agreement.

21. 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.

22. 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.

23. 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	30 calendar days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	10 calendar days after receipt of the Class Data
Response Deadline: (i) last day for Class Members to submit Requests for Exclusion; (ii) last day for Class Members to submit Written Objections; (iii) last day for Class Members to submit Calculation Challenges	45 calendar days after the date of mailing of the Class Notice, unless a Notice is remailed to a corrected/forwarding address of a Class Member with fewer than 15 calendar days left in the original notice period, in which case such Class Member's Response Deadline will be extended to 15 calendar days from the date of the remailing.
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 parties to file motion and supporting documents for final approval of class action settlement.	16 court days prior to the final fairness hearing
Last day for the Parties to respond to Objections	10 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	

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24. The Fairness Hearing and related prior deadlines set forth above may, from time to time and without further notice to the 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. Stuart M. Rice
Judge of the Superior Court