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and Proposed Class Counsel

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

LEE ALLEN COWIN, individually on
behalf of himself, and on behalf of all
similarly situated individuals,

Plaintiff,

v.

NEKI, INC., a California corporation, d/b/a
PIZZA GUYS, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: S-CV-0049770

Assigned to the Hon. Trisha Hirashima, Dept. 40

CLASS ACTION

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

DATE: May 25, 2023

TIME: 8:30 a.m.

DEPT.: 3

Action Filed: January 19, 2023

1 Plaintiff Lee Allen Cowin's ("Plaintiff" or "Cowin") Unopposed Motion for Preliminary
2 Approval of Class Action Settlement came on for hearing before this Court in Department 3, Judge
3 Michael Jones presiding, on May 25, 2023 at 8:30 a.m. The Court, having considered the papers
4 submitted in support of the motion and having heard oral argument of the parties, **HEREBY**
5 **ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Settlement Agreement and Release of Claims ("Settlement") filed with the Court. The
8 settlement appears to be fair, adequate, and reasonable to the Class;

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

12 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
13 Class Action Settlement and Final Hearing ("Notice"), attached to Settlement as Exhibit 1, and the
14 Request for Exclusion form ("Exclusion Form"), attached to Settlement as Exhibit 2, and also
15 approves the procedure for members of the Class to object to the settlement set forth in the Notice;

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

21 5. It is ordered that the Settlement Class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all non-exempt, hourly employees who
23 have, or continue to, work for Defendant in California from October 12, 2018 through April 15,
24 2023.

25 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
26 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
27 of up to 35% of the Maximum Settlement Amount (or \$41,125) and documented litigation costs of
28 up to \$10,000 to Class Counsel, subject to final approval by the Court following a further motion

1 by Class Counsel;

2 7. The Court approves and appoints Plaintiff Lee Allen Cowin as the Class
3 Representative and grants preliminary approval to a proposed Enhancement Payment in an amount
4 not to exceed \$5,000;

5 8. The Court grants preliminary approval of the allocation of \$5,000 to penalties under
6 the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$3,750) shall be
7 paid to the LWDA and 25% (\$1,250) shall be paid to Aggrieved Employees as part of the Net
8 Settlement Proceeds;

9 9. The Court hereby approves and appoints Phoenix Class Action Administration
10 Solutions as the Settlement Administrator and grants preliminary approval of the payment of fees
11 and other charges of the Settlement Administrator in an amount not to exceed \$5,000;

12 10. The Court orders the following schedule of dates for the specified actions/further
13 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 California during the Class Period ("Settlement Class Information")	21 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Class Notice to Class Members	14 calendar days after Settlement Administrator's receipt of the Settlement Class Information
Last day for Class Members to submit a written request for exclusion to the Settlement Administrator	45 calendar days after the initial mailing of the Class 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 Class 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

<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, 2023, at _____.m. (approximately 100 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT