

Electronically Received 12/22/2023 05:43 PM

03/18/2024

David W. Slayton, Executive Officer / Clerk of Court

By: R. Aspiras Deputy

Joseph Lavi, Esq. (SBN 209776)
Vincent Granberry, Esq. (SBN 276483)
Antonia McKee, Esq. (SBN 344511)
John Brown, Esq. (SBN 233605)
LAVI & EBRAHIMIAN, LLP
8889 W. Olympic Blvd., Suite 200
Beverly Hills, California 90211
Telephone: (310) 432-0000
Facsimile: (310) 432-0001
Emails: jlavi@lelawfirm.com
vgranberry@lelawfirm.com
abliznets@lelawfirm.com
jbrown@lelawfirm.com
WHTS@lawfirm.com

Attorneys for Plaintiff HILARIO E. RAMIREZ,
on behalf of himself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

HILARIO E. RAMIREZ, on behalf of himself
and others similarly situated,

Plaintiff,

vs.

CHA LA MIRADA, LLC; and DOES 1 to 100,
inclusive,

Defendants

Case No.: 22STCV22208

CLASS ACTION

*[Assigned for all purposes to the
Honorable William F. Highberger, Dept. 10]*

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

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of John Brown in
Support Thereof]*

Hearing Information:

Date: January 9, 2024

Time: 9:00 a.m.

Dept.: 10

The Motion for Preliminary Approval of a Settlement came before this Court on January 9, 2024 at 9:00 a.m. in the Los Angeles County Superior Court located at 312 N. Spring Street, Los Angeles, CA, the Honorable William F. Highberger, Presiding. The Court, having considered the proposed Class Action and PAGA Settlement Agreement and Notice, attached as **Exhibit 1** to the

1 Declaration of John Brown in Support of Plaintiff's Motion for Preliminary Approval of Class
2 Action Settlement, (hereafter collectively, the "Settlement" or "Settlement Agreement and Notice");
3 having considered the Motion for Preliminary Approval of Class Action Settlement; having
4 considered the respective points and authorities and declarations submitted by the parties in support
5 thereof; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

13 any and all current and former hourly non-exempt employees of
14 Defendants in California during the time period from and including July
22, 2018 through May 22, 2023.

15 1. For purposes of the settlement, the Court further designates named Plaintiff Jesus
16 Martinez as Class Representatives, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Antonia
17 McKee, Esq., and John Brown, Esq. of Lavi & Ebrahimi, LLP as Class Counsel.

18 2. The Court confirms ILYM Group, Inc. as the Settlement Administrator.

19 3. A final fairness hearing on the question of whether the proposed settlement should
20 be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is
21 scheduled in Department 10 of this Court, located at 312 N. Spring Street, Los Angeles, CA, on
22 7/31, 2024, at 10 a.m./~~p.m.~~

23 4. At the final fairness hearing, the Court will consider: (a) whether the settlement
24 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
25 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
26 attorneys' fees, reimbursement of litigation expenses, and service payments should be granted.

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

1 final fairness hearing.

2 6. Class Counsel shall file a motion for an award of attorneys' fees, reimbursement of
3 litigation expenses and class representative enhancement by no later than 16 court days prior to
4 the final fairness hearing.

5 7. The Court approves, as to form and content, the Class Action and PAGA
6 Settlement Notice ("Notice") which is attached to Exhibit 1 of the Declaration of John Brown as
7 **Exhibit A.**

8 8. Within fifteen (15) calendar days of the entry of this Order, Defendants will provide
9 the name, last known address, and Social Security number of each Settlement Class Member, along
10 their dates of employment and any other information needed to calculate Individual Settlement
11 Payments and Individual PAGA Payments ("Class Data").

12 9. The Court directs the mailing of the Class Notice by first class mail to the members
13 of the Settlement Class within fourteen (14) calendar days of receipt of the Class Data.

14 10. The proposed members of the Settlement Class shall have sixty (60) calendar days
15 after the initial mailing of the Notice to submit an objection or a written request to be excluded
16 ("Response Deadline"). In the event that a Notice is re-mailed to a corrected address, the
17 Settlement Class Members will have until the Response Deadline or fourteen (14) calendar days
18 after the postmark on the re-mailed Class Notice, whichever is later, to return an objection or
19 Request for Exclusion.

20 11. The Court finds that the form of Notice to the Settlement Class regarding the
21 pendency of the action and of this settlement, and the methods of giving notice to members of the
22 Settlement Class constitute the best notice practicable under the circumstances and constitute
23 valid, due, and sufficient notice to all members of the Settlement Class. They comply fully with
24 the requirements of California Code of Civil Procedure section 382, California Civil Code section
25 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
26 and other applicable law.

1 12. The Court further approves the procedures for Settlement Class Members to
2 participate in, opt out of, or object to the Settlement, as set forth in the Settlement Agreement and
3 Notice.

4 13. Any Participating Class Member who wishes to object to the Settlement in writing
5 must submit to the Settlement Administrator a signed writing which shall: (1) contain the name,
6 address, and the last four digits of the Social Security number of the person objecting; (2) be signed
7 by the Participating Class Member; (3) state the grounds on which the Participating Class Member
8 is objecting as well as any documents or evidence supporting his or her objection(s); and (4) be
9 postmarked or fax stamped by the Response Deadline and returned to the Settlement Administrator
10 at the specified address or fax telephone number stated in the Class Notice. Participating Class
11 Members may also appear at the Final Approval hearing and present their objections orally for the
12 Court.

13 14. Settlement Class Members who wish to exclude themselves (opt-out of) the Class
14 Settlement must send the Administrator, by fax, email, or mail, a signed written Request for
15 Exclusion not later than 60 days after the Administrator mails the Class Notice (plus an additional
16 fourteen (14) days for Class Members whose Class Notice is re-mailed). A Request for Exclusion
17 shall: (1) reasonably communicate that the Class Member elects to be excluded from the
18 Settlement; (2) include the Class Member's name, address and email address or telephone
19 number; (3) be signed by the Class Member. To be valid, a Request for Exclusion must be timely
20 faxed, emailed, or postmarked by the Response Deadline. Any Settlement Class Member who
21 returns a timely, valid, and signed request to exclude themselves from the Settlement will not
22 participate in or be bound by the Settlement and subsequent judgment and will not receive an
23 Individual Settlement Payment. Settlement Class Members who exclude themselves from the
24 Settlement will still receive their Individual PAGA Payment if they are a PAGA Employee.

25 15. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
26 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
27 Order, are stayed.
28

1 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
2 connection with the administration of the settlement which are not materially inconsistent with
3 either this Order or the terms of the Settlement.

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

Event	Timing
Data: last day for Defendant to provide the Class Data to the Settlement Administrator.	15 calendar days after entry of this Order
Notice Date: last day for Settlement Administrator to mail Class Notice to Class Members.	14 calendar days after receipt Class Data
Response Deadline: (i) last day for class members to submit exclusion requests; and (ii) last day for Participating Class Members to submit objections.	60 calendar days after the postmark on the Class Notice or 14 days after the re-mailing, whichever is later
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
Hearing on final approval of class action settlement.	7/31/24 10 am

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

19 **IT IS SO ORDERED.**

20
21 Dated: 03/18/2024



Hon. William F. Higberger
Judge of the Superior Court