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9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF STANISLAUS**
12

13 NORMAN ESAKHANI, on behalf of
14 himself and all "aggrieved employees"
pursuant to Labor Code § 2698 *et seq.*,

15 Plaintiff,

16 v.

17 CENTRAL VALLEY GAMING, LLC, a
18 California limited liability company, and
DOES 1 through 10, inclusive,

19 Defendants.
20
21

CASE NO: 2020667

Assigned to the Hon. Timothy W. Salter, Dept. 22

CLASS ACTION

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

Date: November 2, 2017

Time: 8:30 a.m.

Dept.: 22

Action Filed: June 28, 2016

22
23 Plaintiff's Motion for Preliminary Approval of Class Action Settlement came on for
24 hearing before this Court in Department 22, the Honorable Judge Timothy W. Salter presiding, on
25 November 2, 2017. The Court, having considered the papers submitted in support of the motion
26 and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

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28 \\
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1 1. The Court grants preliminary approval of the settlement based upon the terms set
2 forth in the Settlement Agreement and Release of Claims (the "Settlement Agreement") filed with
3 the Court. The settlement appears to be fair, adequate, and reasonable to the class;

4 2. The settlement falls within the range of reasonableness and appears to be
5 presumptively valid, subject only to any objections that may be raised at the final hearing. Based
6 on a review of the papers submitted by Plaintiff, the Court preliminarily finds that the settlement
7 is the result of arms-length negotiations conducted after Class Counsel had adequately
8 investigated the claims and become familiar with the strengths and weaknesses of the claims.
9 The assistance of an experienced mediator in the settlement process supports the Court's
10 conclusion that the settlement is non-collusive;

11 3. The Court approves, as to form and content, the Notice of Pendency of Class
12 Action Settlement and Final Hearing ("Notice"), attached as Exhibit 1 to the Settlement
13 Agreement, and the Claim Form, attached as Exhibit 2 to the Settlement Agreement ("Claim
14 Form"). The Court finds that the Notice and Claim Form adequately advise Class Members of
15 their rights under the settlement. The Court approves the procedure for Class Members to make a
16 claim, to opt out of or object to the settlement as set forth in the Settlement Agreement. Counsel
17 for the Parties are authorized to make clarifications and/or correct any typographical errors in the
18 Notice and Claim Form, to the extent the same are found or needed, so long as such corrections
19 do not materially alter the substance of the documents;

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

25 5. It is ordered that the Settlement Class is preliminarily certified for settlement
26 purposes only. The Settlement Class is defined as follows: All persons employed by Defendant
27 in California in a non-exempt position at any time between June 28, 2012 and the date the Court
28 grants Preliminary Approval to the Settlement;

1 6. The Court confirms Kenneth S. Gaines, Esq., Daniel F. Gaines, Esq. and Alex P.
2 Katofsky, Esq. of Gaines & Gaines, APLC as Class Counsel, and grants preliminary approval of
3 an award of attorneys' fees of up to \$78,750 and documented litigation costs of up to \$12,500 to
4 Class Counsel, subject to final approval by the Court following a further motion by Class
5 Counsel;

6 7. The Court confirms Norman Esakhani as the Class Representative and grants
7 preliminary approval to a proposed service enhancement payment in an amount not to exceed
8 \$10,000, subject to final approval by the Court following a further motion by Class Counsel.

9 8. The Court preliminarily finds the amount allocated to the claim under California's
10 Private Attorney General Act as sufficient, subject to final approval of the entire settlement;

11 9. The Court hereby approves ILYM Group, Inc. as the settlement administrator and
12 grants preliminary approval of the payment of fees and other charges of the claims administrator
13 in an amount not to exceed \$10,000. The Settlement Administrator is ordered to carry out the
14 settlement according to the terms of the Settlement Agreement and in conformity with this Order;
15 and

16 10. The Court orders the following schedule of dates for the specified actions/further
17 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 during the Class Period ("Settlement Class Information")	10 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Claim Form (collectively, the "Notice Packet") to Class Members	20 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Claim Forms to be postmarked to Settlement Administrator	60 calendar days after mailing of class Notice Packet
Last day for exclusion requests from the settlement by Settlement Class Members to be postmarked to Settlement Administrator	60 calendar days after mailing of class Notice Packet

<u>EVENT</u>	<u>TIMING</u>
Last day for written objections to the settlement by Settlement Class Members to be postmarked to Settlement Administrator	60 calendar days after mailing of Notice Packet
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 prior to the Final settlement approval hearing
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 prior to the Final settlement approval hearing
Final settlement approval hearing	_____, 2018, at _____ a.m. [Proposed Date: approximately 95 days after entry of this Order].

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT